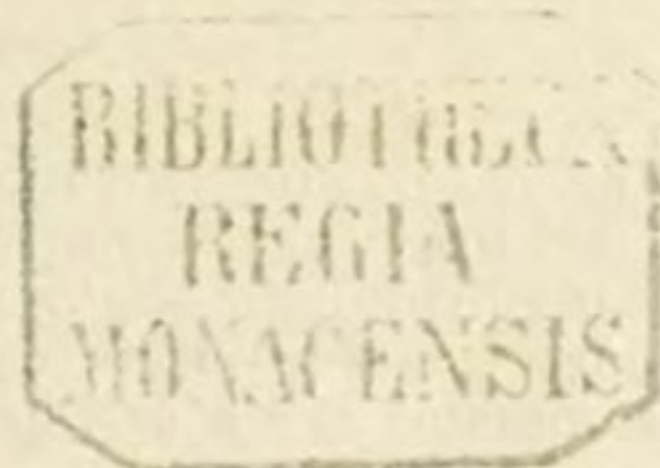


Am. B. 3040
(496)

Proceedings

GEORGE A. ORR.



APRIL 26, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. OTJEN, from the Committee on War Claims, submitted the following

REPORT.

[To accompany S. 227.]

The Committee on War Claims, to whom was referred the bill (S. 227) for the relief of George A. Orr, submit the following report:

A bill similar in its nature has been before Congress for many years, and has often been reported favorably in the House and in the Senate.

Your committee adopt now as their own the report made in the Senate, first session of the Fifty-fifth Congress, on behalf of the Committee on Military Affairs, by the Hon. F. M. Cockrell.

Your committee recommend the passage of the bill.

[Senate Report No. 54, Fifty-fifth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (S. 227) for the relief of George A. Orr, have duly considered the same and submit the following report:

A precisely similar bill was reported favorably and passed in the Senate, and favorably reported in the House in the Fifty-second Congress and likewise in the Fifty-third and Fifty-fourth Congresses.

Senate Report 212, Fifty-second Congress, has been reexamined and is again adopted, and is as follows:

The Committee on Military Affairs, to whom was referred the bill (S. 2097) for the relief of George A. Orr, have duly considered the same and submit the following report:

The following order was issued by the War Department:

GENERAL ORDERS, } WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
No. 135. } Washington, September 19, 1862.

I. By direction of the President the States of Missouri, Arkansas, Kansas, and the bordering Indian Territory will constitute the Department of the Missouri, and will be commanded by Maj. Gen. S. R. Curtis, headquarters at St. Louis.

Alton, Ill., is attached to the Department of the Missouri.

II. Western Virginia is attached to the Department of the Ohio, headquarters at Cincinnati.

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant-General.

General Curtis issued the following order:

SPECIAL ORDERS, }
No. 105.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
St. Louis, Mo., April 20, 1863.

[Extract.]

* * * * *

3. Maj. M. L. Stephenson, Tenth Illinois Cavalry Volunteers, is assigned to duty as district provost-marshal, District of Southwest Missouri. He will repair without delay to Springfield, Mo., and report in person to district commander for duty. The quartermaster will furnish transportation for his authorized horses and servants. By command of Major-General Curtis.

H. Z. CURTIS,
Assistant Adjutant-General.

The following order was issued by Major Stephenson:

SPECIAL ORDERS, }
No. 41.

HEADQUARTERS DISTRICT SOUTHWESTERN MISSOURI,
OFFICE PROVOST-MARSHAL,
Springfield, Mo., May 28, 1863.

Capt. George A. Orr, Company B, Seventy-sixth Regiment E. M. M., is hereby appointed acting assistant provost-marshal at Mount Vernon, Lawrence County, Mo., and will be respected accordingly.

M. L. STEPHENSON,
Major and Provost-Marshal, District Southwestern Missouri.

In pursuance of the above order Captain Orr entered upon the duties of acting provost-marshal and continued in the discharge of such duties up to January 30, 1864, and then accounted for and duly turned over to his successor, Lieut. James A. Gibson, and received his receipt for all property and articles of his office.

The following orders were issued by the War Department touching provost-marshals, their duties, pay, etc.:

GENERAL ORDERS, }
No. 140.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, September 24, 1862.

Order respecting special provost-marshals, and defining their duties.

First. There shall be a Provost-Marshal-General of the War Department, whose headquarters will be at Washington, and who will have the immediate supervision, control, and management of the corps.

Second. There will be appointed in each State one or more special provost-marshals, as necessity may require, who will report to and receive instructions and orders from the Provost-Marshal-General of the War Department.

Third. It will be the duty of the special provost-marshals to arrest all deserters, whether regulars, volunteers, or militia, and send them to the nearest military commander or military post, where they can be cared for and sent to their respective regiments; to arrest upon the warrant of the judge-advocate all disloyal persons subject to arrest under the orders of the War Department; to inquire into and report treasonable practices, seize stolen or embezzled property of the Government, detect spies of the enemy, and perform such other duties as may be enjoined upon them by the War Department, and report all their proceedings promptly to the Provost-Marshal-General.

Fourth. To enable special provost-marshals to discharge their duties efficiently, they are authorized to call on any available military force within their respective districts, or else to employ the assistance of citizens, constables, sheriffs, or police officers, so far as may be necessary, under such regulations as may be prescribed by the Provost-Marshal-General of the War Department, with the approval of the Secretary of War.

Fifth. Necessary expenses incurred in this service will be paid on duplicate bills certified by the special provost-marshals, stating the time and nature of the service, after examination and approval by the Provost-Marshal-General.

Sixth. The compensation of special provost-marshals will be ——— dollars per month, and actual traveling expenses and postage will be refunded on bills certified under oath and approved by the Provost-Marshal-General.

Seventh. All appointments in this service will be subject to be revoked at the pleasure of the Secretary of War.

Eighth. All orders heretofore issued by the War Department conferring authority upon other officers to act as provost-marshals (except those who have received special commissions from the War Department) are hereby revoked.

By order of the Secretary of War.

L. THOMAS, Adjutant-General.

CIRCULAR, } WAR DEPARTMENT, PROVOST-MARSHAL-GENERAL'S OFFICE,
No. 19. } Washington, D. C., June 8, 1863.

I. Paragraph 11, page 3, Regulations for the Government of the Bureau of the Provost-Marshal-General of the United States is hereby amended so as to read as follows:

"Provost-marshals are directed to appoint a deputy provost-marshal for every county in their district, except for the county in which the district headquarters are located. These deputies should be selected with care, and should be men suited for the performance of the duties which will devolve upon them. They should acquaint themselves thoroughly with the county and the people in it, and should be able to secure the arrest of all deserters now in their counties, as well as of those men who may become deserters by failing to answer the summons of the provost-marshal in case of draft. The pay of a deputy provost-marshal shall not exceed \$100 per month."

II. Paragraph 12, page 3, of same regulations, is so amended as to read as follows:

"Special officers or agents for detecting and arresting deserters or spies may be employed when necessary; but not more than four shall be employed in a district without the approval of the Provost-Marshal-General. Their names must be reported and the amount of compensation proper to be allowed must be recommended. They may be paid, etc." * * *

III. Returns required by forms Nos. 7, 8, 9, and 10 will hereafter be made quarterly instead of monthly.

A careful study of these and all other "forms" is recommended, as all returns and papers must be in strict accordance therewith. Any failure, even in a slight degree, to conform to them will result in a return for correction of such papers.

IV. Provost-marshals are reminded that parties themselves must sign all receipts, the Government not recognizing the signature of one party for another unless a power of attorney in each case accompany such signature.

Where employes are not present at the headquarters of a district to sign the receipt rolls (Form 17), their accounts may be made on separate vouchers (Form 18), but no accounts will be paid unless the name of the person be borne on Form No. 4, monthly.

V. Until further orders, boards of enrollment shall not adjourn over a day, except Sunday, without the permission of the acting assistant provost-marshal-general of the State. The business of the enrollment and that connected with the Invalid Corps must receive constant attention until completed.

Members of boards of enrollment are forbidden to absent themselves from their duties or their district without leave first obtained from the acting assistant provost-marshal-general of the State, who shall not grant leave of absence for more than five days at one time without the approval of the Provost-Marshal-General.

JAMES B. FRY, *Provost-Marshal-General*.

The Seventy-sixth Regiment Enrolled Missouri Militia, of which George A. Orr was a captain, was a State organization, and the official records show that Captain Orr was in service from August 15, 1862, to March 31, 1863, when he was relieved, and was paid by the State of Missouri for such service \$487, and said State was reimbursed that amount by the United States; and further shows that Captain Orr was not paid by said State for any service from May 28, 1863, to January 30, 1864, and was never paid anything by the United States for said period for any service. He was paid by the State of Missouri whilst on duty as such captain in said regiment at the rate of \$128.50 per month, and the State of Missouri was reimbursed accordingly by the United States.

General Curtis, while commanding the Department of Missouri, was a United States officer, and so was Major Stephenson whilst acting as provost-marshal for District Southwest Missouri, and Captain Orr was, whilst acting as assistant provost-marshal at Mount Vernon, Mo., an acting United States officer, and was not, therefore, recognized by the State of Missouri as in its service, and was not, therefore, paid by the State, and no claim by the State made for reimbursement. Mr. Orr presented his claim for pay, etc., to the accounting officers of the Treasury Department, and after a very voluminous correspondence between them and the War Department, copies of all which are before your committee and have been carefully considered, the Second Auditor made the following decision:

TREASURY DEPARTMENT,
Second Auditor's Office, April 4, 1891.

I certify that I have examined the claim of George A. Orr, captain Seventy-sixth Missouri Enrolled Militia, on account of pay for services as provost-marshal at Mount Vernon, Mo., from May 28, 1863, to January 1, 1864 (the records of the War Department showing that he served as acting assistant provost-marshal at said place from May 28, 1863, to January 30, 1864, and failing to show any payment therefor), and find that said claim should be disallowed, as a charge against any appropriation

under the jurisdiction of this office (the Secretary of War having declined to approve it in any amount to be paid from "Contingencies of the Army"), for the reason that the office of assistant or acting assistant provost-marshal was not, at the time of said services, recognized by Army Regulations or statute law, nor was compensation for services under that title authorized by any appropriation made therefor. Claimant's regiment was not in the United States service.

Said claim and all the vouchers and papers are transmitted, with this certificate, to the Second Comptroller for his decision thereon.

J. N. PATTERSON, *Auditor*.

This decision was approved by the Second Comptroller on August 22, 1891.

This decision shows the claim of Orr to be a just one and never paid, and that there is no existing appropriation out of which the same can be paid. Had Captain Orr been on duty as captain of his company in the State organization, then his claim would be against the State of Missouri for such services, but having been relieved from duty on March 31, 1863, he was no longer in the service of the State. When he was appointed acting assistant provost-marshal at Mount Vernon, Mo., by Major Stephenson, he was, and so continued to be, until relieved, on January 30, 1864, in the service of the United States under the authority and control of United States officers and amenable to their orders, and is justly entitled to be paid a reasonable compensation for his services as acting assistant provost-marshal, and not as captain of Company B, Seventy-sixth Regiment Enrolled Missouri Militia.

No specific contract as to amount of pay was made, but under the general orders of the War Department \$100 was fixed as the maximum pay of a deputy United States marshal in June, 1863, and this bill authorizes the payment of that sum per month during said period, and authorizes the payment of whatever legitimate expenditures he may have made which were necessary for the public service.

Your committee therefore report this bill back to the Senate and recommend its passage.



REFERRING TO THE TREASURY DEPARTMENT CLAIMS OF
SUNDRY PERSONS FOR EXAMINATION, ETC.

APRIL 26, 1898.—Committed to the Committee of the Whole House on the state of
the Union and ordered to be printed.

Mr. OTJEN, from the Committee on War Claims, submitted the following

REPORT.

[To accompany S. 442.]

The Committee on War Claims, to whom was referred the bill (S. 442) referring to the Treasury Department the claims of sundry persons for examination, adjustment, and report to Congress, submit the following report:

The report of Mr. Stewart, made to the Senate at the first session Fifty-fourth Congress, is so full and conclusive that your committee have adopted it as a fair statement of the grounds for relief.

Your committee recommend the passage of the bill.

[Senate Report No. 144, Fifty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 5) referring to the Treasury Department the claims of sundry persons for examination, adjustment, and report to Congress, have considered the same, and report as follows:

A bill relating to this subject has been favorably reported by your committee in the past four Congresses, and at each time passed the Senate. It has also been favorably reported in the House of Representatives, but failed of action. A thorough report upon the subject was made at the second session of the Fifty-third Congress, which report your committee adopts as a part of this report, and recommends the passage of the bill.

The report referred to is as follows:

[Senate Report No. 232, Fifty-third Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 100) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the Territorial limits of the present State of Nevada, having had the same under consideration, submit the following report:

A bill for the payment of a large portion of these claims passed the Senate in the Fiftieth, Fifty-first, and Fifty-second Congresses, and was reported favorably to the House of Representatives in the same Congresses.

The nature and character of the claims are set forth in the report of the Senate Committee on Claims of the Fiftieth Congress, which is as follows:

Senate Report No 952, Fiftieth Congress, first session.

APRIL 16, 1888.—Ordered to be printed.

Mr. STEWART, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 2542.]

The Committee on Claims, to whom was referred the bill (S. 2542) to reimburse certain persons who expended moneys and furnished services and supplies in repelling invasions and suppressing Indian hostilities within the Territorial limits of the present State of Nevada, submit the following report:

The claims to be paid under the provisions of this bill are fifty-three in number, and aggregate in amount to \$29,144. The persons named in the bill furnished money, supplies, and services in the Indian war in 1860 in what was then western Utah, now Nevada.

The Comstock lode was discovered in 1859. During the winter of 1859-'60 a large number of miners crossed the Sierra Nevada Mountains from California, attracted by the new mineral discoveries. The country previous to that time was very sparsely settled by farmers and stock-raisers. The Pah-Ute (or Piute) Indians, who occupied this region, were numerous and warlike. In the latter part of April, 1860, these Indians commenced hostilities against the whites by an attack on a neighborhood of settlers and stockmen residing on the Carson River, about 30 miles east of Virginia City, Nev. They killed several persons and drove off a large amount of stock.

Previous to the outbreak threats had been made by the Indians to massacre all the whites on the east side of the Sierra Nevada Mountains. At the time of the outbreak the snow on the mountains was very deep, averaging from 10 to 20 feet, and at that season of the year was soft and impassable for teams. To protect the inhabitants and repel these Indians a company was organized in Carson City, consisting of 125 men, under the command of Maj. William Ormsby. They were joined by a small company from the neighboring town of Genoa, and another from Virginia City. They proceeded to the place of the massacre, known as Williams' Ranch, and from there pursued the Indians to Truckee River, near Pyramid Lake, where a battle ensued, in which about sixty of the whites were killed, among whom were Major Ormsby, Henry Meredith, the law-partner of the writer of this report, and other prominent citizens. Others were wounded, and those that escaped with their lives returned to the settlements destitute of horses, and in a pitiable condition.

Immediately after this event home guards were formed and a regular force of volunteers were enrolled and placed under the command of Col. John C. Hays. These volunteers were composed of soldiers, who enlisted

in Nevada and several volunteer companies who crossed the mountains from California. A small company of United States soldiers, under command of Captain Stewart, of the regular Army, also crossed the mountains and co-operated with the forces under Colonel Hays. The combined force consisted of several hundred men, who were supplied with horses, provisions, etc., by the inhabitants of Nevada, assisted by contributions from California. This force moved against the Indians, but the Indians refused to give regular battle against so formidable an army; but after considerable irregular fighting and skirmishing for several days, in which a number of white men and a few Indians were killed, the Indians sued for peace, which was granted and has ever since been observed. The whites have had no trouble with these particular Indians since that time, but they have lived in peace together.

During the second expedition above mentioned Captain Storey, a gentleman of great courage and popularity, was killed, and the county of Storey, in which Virginia City is situated, was given his name to commemorate his services, and the county of Ormsby, in which Carson City, the capital of the State, is located, was named after Major Ormsby.

A large amount of money and supplies were necessary for these expeditions. All the horses and mules in the country were freely surrendered for the use of the soldiers, and every citizen contributed money, food, or clothing to the extent of their means, or whatever else would be serviceable to the forces in the field. Contributions were also liberally made from California.

On December 19, 1862, the legislative assembly of Nevada Territory passed the following memorial to Congress in relation to depredations committed by Indians in the Territory, and expenses incurred in the protection of settlements:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the governor and legislative assembly of the Territory of Nevada, respectfully represent that during the winter and spring of 1860 the Indians inhabiting what was at that time the western portion of Utah Territory, now organized as Nevada Territory, became hostile towards the white settlers, and that in consequence of the massacres being committed it became necessary, in order to save the settlements from annihilation, to employ not only the few United States troops within reach, but to call for aid from the neighboring State of California, and to accept the services of considerable numbers of volunteers from that State, who generously came to the rescue; that this occurred at a time when the transportation of forage and provisions over the snows of the Sierra Nevadas was almost impossible. Supplies for the necessities of volunteers and others became exceedingly scarce, and rose to extraordinary prices. Persons who had transported provisions at a great toil and expense ministered most generously to the wants of the troops; and others, under that "necessity which knows no law," submitted to forced contributions. Many horses and other animals were taken for the use of the expedition, for which no recompense has ever been made. Much of these supplies were accredited at the time, or soon after, by certificates from the officers of the expedition, or other evidences of indebtedness, the most regular and authentic that could be made under the circumstances existing at the time, but we believe as yet no provision has been made for the payment thereof, and the losses thus incurred fall with crushing weight on many worthy individuals, who were deprived of almost their entire substance. We would further represent that numerous depredations were committed by the savages on the stock and other property of the settlers, in some instances almost entire herds being driven off. We know of no legal means of liquidating this indebtedness by our Territorial government, or indemnifying parties for losses thus sustained, and we would most earnestly petition your honorable body to appoint commissioners to examine claims and adjust the same.

On March 10, 1868, the writer of this report presented a report of a commission appointed by the State of Nevada to examine certain claims for Indian depredations, which was referred to the Committee on Claims

of the Senate, but no action was taken thereon, and papers accompanying the report were lost or mislaid—at all events they can not now be found. On May 29, 1868, the writer of this introduced a joint resolution (S. 138) to appoint a board of examiners for claims against the United States in the State of Nevada, which was also referred to the Committee on Claims, and on June 18 of the same year an order was made, at the request of one of the members of the committee, discharging it from further consideration of the resolution.

On December 13, 1883, first session Forty-eighth Congress, the following bill was introduced for the payment of the claims now under consideration, and referred to the Committee on Military Affairs:

[S. 657, Forty-eighth Congress, first session.]

A bill to authorize the Secretary of the Treasury to adjust and settle the expenses of Indian wars in Nevada.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to adjust and settle, on just and equitable principles, all claims for services rendered or supplies furnished in any of the Indian wars in the Territory or in the State of Nevada by the people thereof, not heretofore provided for by law, including subsistence, forage, medical stores, clothing, transportation, and services of and losses of horses used therein, as well as for any other necessary and proper supplies furnished and expenditures made for the prosecution of said wars; and that on such adjustment the same shall be paid out of any money in the Treasury not otherwise appropriated.

It appears that the foregoing bill was referred by the committee to the Secretary of War, upon which he made a report stating that all the claims provided for in the bill could be adjusted and paid under existing laws, whereupon the Committee on Military Affairs made the following report:

[Senate Report No. 406, Forty-eighth Congress, first session.]

The Committee on Military Affairs, to which was referred the bill (S. 657) to authorize the Secretary of the Treasury to adjust and settle the expenses of Indian wars in Nevada, respectfully submits the following report:

Attention is directed to the letter of the Secretary of War, dated January 26, 1884, as follows:

WAR DEPARTMENT,
Washington City, January 26, 1884.

SIR: In response to so much of your communication of the 22d ultimo as requests information concerning Senate bill 657, "to authorize the Secretary of the Treasury to adjust and settle the expenses of Indian wars in Nevada," I have the honor to invite your attention to the following report of the Third Auditor of the Treasury, to whom your request was duly referred:

"The State of Nevada has filed in the office abstracts and vouchers for expenses incurred on account of raising volunteers for the United States to aid in suppressing the late rebellion amounting to \$349,697.49, and for expenses on account of her militia in the 'White Pine Indian war' of 1875, \$17,650.98. Also, expenses of her militia in the 'Elks Indian war' of 1878, amounting to \$4,654.64, presented under act of Congress approved June 27, 1882 (22 Statutes 111, 112).

"These abstracts and vouchers will be sent to your Department for examination and report as soon as they can be stamped, as that statute requires a report from the Secretary of War as to the necessity and reasonableness of the expenses incurred. This statute is deemed sufficiently broad enough to embrace all proper claims of said State and Territory of Nevada.

Very respectfully, your obedient servant,

ROBERT T. LINCOLN,
Secretary of War

Hon. S. B. MAXEY,
Of Committee on Military Affairs, United States Senate.

The copy of Senate bill No. 657 is herewith returned, as requested by you.

It will be observed that it is deemed by the Department that the act approved June 27, 1882, is sufficiently broad to embrace all proper claims of Nevada, whether a State or Territory.

For convenience of reference the above act accompanies this report, and an examination thereof and of the construction thereon, satisfies the committee that no additional legislation is necessary.

Wherefore, for this reason, the committee reports back said Senate bill 657, and recommend that it be indefinitely postponed.

The committee evidently understood that the Secretary of War regarded the existing law sufficient for the payment of the claims in question, and that it was as comprehensive as the bill which was introduced by Senator Jones and referred to the Secretary of War, which contained provisions amply sufficient to pay for services rendered, supplies furnished, and everything which was done to aid in prosecuting the Indian war of 1860. This construction of existing laws was accepted by the legislature of the State of Nevada as an assurance that the Indian war claims of the State and Territory, and the people thereof, when ascertained and established, would be paid. The legislature of Nevada at its next session passed the following act:

AN ACT relative to the proving of Indian war claims (approved February 27, 1885.)

The people of the State of Nevada, represented in senate and assembly, do enact as follows: SECTION 1. The State board of examiners are hereby authorized and directed to examine into all claims for services rendered, moneys expended, indebtedness incurred, and supplies and necessities furnished between the first day of January, anno Domini one thousand eight hundred and sixty, and the date of the approval of this act, in repelling invasions and suppressing Indian outbreaks and hostilities within the territorial limits of the present State of Nevada. Said board shall also examine into all claims for horses, equipments, and wagons actually lost by those engaged as aforesaid, while in the line of duty in active service.

SEC. 2. That immediately after the approval of this act the board shall give notice, by publication in some daily newspaper published at the State capital, to all persons having such claims to present them by petition, showing the items and amounts thereof to the board within sixty days from the first publication of the notice, which notice shall be published in each issue of such newspaper for a period of at least thirty days: *Provided*, That if no daily newspaper be published at the State capital, then the notice may be published in such other daily newspaper as shall be designated by the board. Any and all claims presented in accordance with the requirements of said notice shall be examined, and final action thereon taken by the board, as soon as practicable thereafter.

SEC. 3. That all persons having such claims shall be permitted to appear personally before the board and produce such evidence as they may have in support of their respective demands; and all the provisions of sections eight, nine, ten, eleven, and twelve of an act entitled "An act relating to the board of examiners, to define their duties and powers, and to impose certain duties upon the controller and treasurer," approved February seventh, one thousand eight hundred and sixty-five, are hereby made applicable to the examination of claims presented under this act.

SEC. 4. That the evidence presented to the board in support of any such claim shall be reduced to writing, and immediately after the approval or disapproval of the claim, the petition and evidence shall be filed in the office of the governor of the State. If the claim be entirely disapproved the board shall indorse their disapproval upon the petition, and such claim shall not be reconsidered, unless upon presentation by the claimant, within thirty days thereafter, of new and material testimony in its support. If the claim be approved, either in whole or in part, the board shall indorse such approval upon the petition, which indorsement shall show the items and amounts for which the claim is approved, and a certificate of like tenor and effect shall also be given to the claimant whose claim shall have been so approved.

SEC. 5. That as soon as all the claims presented under the provisions of this act shall have been finally acted upon by the board, it shall be the duty of the governor to transmit the claims that have been approved for any amount, together with the evidence in support of them, to the Secretary of the Treasury of the United States, or other proper officer, and to urge the payment thereof by the United States Government at the earliest practicable day.

SEC. 6. Nothing herein contained shall be so construed as to make the State of Nevada liable for the amount of any approved claim, or any amount of money whatever, except as the same may be received from the Treasury of the United States for the payment of such claims, and then only for the particular claims allowed by the United States Government, and to the extent of such allowance (Stats. Nev. 1885, p. 47).

Under this act many of the claims for the Piute Indian war of 1860 were presented and laboriously and carefully examined by the board of examiners of the State of Nevada. This board of examiners is a permanent board which passes upon all claims against the State of Nevada before the same can be paid, and was not a special board organized for the purpose of examining these claims. It is composed of the governor, secretary of state, and attorney-general, and has served a most beneficial purpose in protecting the treasury of the State from the payment of unjust demands. A notice was published, as provided in the act abovequoted, and all claims presented within the time provided in the notice were examined; and only such claims were allowed as were established by evidence. Many claims were rejected altogether, and most of the claims presented were reduced in amount. All the allowances made and provided for in the bill under consideration are established by the evidence reported by the board and referred to your committee. The investigation made by the board was much more careful and accurate than a committee of Congress could make on the *ex-parte* evidence usually presented for the adjustment of claims of this character. The committee, however, have not relied on the findings of the board, but have examined the evidence in each case upon which the findings were made, and have arrived at the same conclusions which the board of examiners reached in its investigation, with the exceptions hereinafter stated.

The following is a synopsis of the result of the examination made by the board, taken from the biennial report of the secretary of state of Nevada for 1885-'86:

INDIAN WAR CLAIMS.

At the last session of the legislature an act was passed directing the board of examiners to inquire into and pass upon all claims for services rendered, moneys expended, indebtedness incurred, and necessities furnished between January 1, 1860, and February 27, 1885, in repelling invasions and suppressing Indian outbreaks and hostilities within the territorial limits of the present State of Nevada. By virtue of this act the board of examiners devoted much time and care to the taking of testimony and to the faithful performance of the arduous duties imposed upon them by the legislature in this connection. It required several months of industrious application on the part of the board, involving a mass of correspondence that reached to nearly every portion of the United States. The amounts allowed the several claimants are given below:

Claimant.	Principal.	Interest.	Total.
Mrs. Kate Miot	\$150. 00	\$225. 00	\$375. 00
Mrs. Ellen E. Adams.....	740. 00	1, 110. 00	1, 850. 00
William H. Naleigh.....	385. 00	577. 50	962. 50
John T. Little.....	219. 00	328. 50	547. 50
A. G. Turner	979. 00	1, 468. 50	2, 447. 50
Oscar C. Steele	326. 00	489. 00	815. 00
Estate of Samuel Turner	307. 00	460. 50	767. 50
J. H. Mathewson	350. 00	525. 00	875. 00
Charles Shad	327. 00	490. 50	817. 50
Theodore Winters.....	1, 549. 00	2, 323. 50	3, 872. 50
J. F. Holiday	95. 00	142. 50	237. 50
Franklin Bricker.....	152. 00	228. 00	380. 00
George Seitz.....	120. 00	180. 00	300. 00
B. F. Small	110. 00	165. 00	275. 00
Purd Henry.....	157. 00	258. 00	430. 00
Andrew Lawson	266. 00	399. 00	665. 00
Louis B. Epstein	269. 00	403. 50	672. 50
John Q. A. Moore.....	580. 00	225. 00	805. 00
Lucy Ann Hetrick	405. 00	607. 50	1, 012. 50
Charles C. Brooks	152. 00	228. 00	380. 00
Lizzie J. Donnell, heir of Major Ormsby	1, 825. 00	2, 737. 50	4, 562. 50
J. M. Gatewood	894. 00	1, 341. 00	2, 235. 00
J. M. Gatewood, supplemental claim.....	150. 00	225. 00	375. 00
Seymour Pixley.....	305. 00	457. 50	762. 50

Claimant.	Principal.	Interest.	Total.
J. D. Roberts	3,231.00	4,846.50	8,077.50
H. P. Phillips	269.00	403.50	672.50
J. M. Horton	95.00	132.50	227.50
George Hickox Cady	168.00	252.00	420.00
James H. Sturtevant	513.00	769.50	1,282.50
Gould and Curry Mining Company	1,000.00	1,500.00	2,500.00
John H. Tilton	519.00	778.50	1,297.50
R. G. Watkins	290.00	435.00	725.00
Estate of J. L. Blackburn	763.00	1,144.50	1,907.50
John O. Earl	750.00	1,125.00	1,875.00
L. M. Pearlman	3,130.00	5,445.00	8,575.00
Robert Lyon	1,694.00	2,541.00	4,235.00
Thomas Marsh	150.00	225.00	375.00
Abraham Jones	310.00	465.00	775.00
A. McDonald	750.00	1,125.00	1,875.00
G. H. Berry	130.00	195.00	325.00
Robert M. Baker	171.00	256.50	427.50
P. S. Corbett	95.00	132.50	227.50
John S. Child	505.00	757.50	1,262.50
Benjamin F. Green	225.00	337.50	562.50
Alex. Crow	95.00	132.50	227.50
Mary Curry, widow of Abe Curry	500.00	750.00	1,250.00
Warren Wasson	499.00	748.50	1,247.50
Michael Tierney	145.00	217.50	362.50
Samuel T. Curtis	590.00	885.00	1,475.00
J. Harvey Cole	202.00	303.00	505.00
Isaac P. Lebo	334.00	508.00	835.00
E. Penrod	664.00	996.00	1,660.00
J. B. Preusch	95.00	132.50	227.50
Wellington Stewart	400.00	600.00	1,000.00

The action of the board of examiners upon each claim in the foregoing list, together with the evidence upon which it was based, was transmitted to the Secretary of the Treasury, in accordance with the act of the State of Nevada above quoted, accompanied with the following letter:

EXECUTIVE DEPARTMENT, GOVERNOR'S OFFICE,
Carson City, Nev., February 13, 1886.

SIR: In compliance with the provisions of section 5 of an act of the legislature of this State, entitled "An act relative to the proving of Indian war claims," approved February 27, 1885, I have the honor to transmit herewith the claim of _____ for the sum of \$_____, and respectfully urge the payment thereof at the earliest practicable day.

I have the honor to remain, your obedient servant,

CHAS. E. LAUGHTON,
Lieutenant and Acting Governor.

Hon. DANIEL MANNING,
Secretary of the Treasury, Washington, D. C.

On receipt of the papers in these cases by the Secretary of the Treasury they were duly referred to the Third Auditor of the Treasury for report, who, on March 2, 1886, replied as follows:

TREASURY DEPARTMENT, THIRD AUDITOR'S OFFICE,
Washington, D. C., March 2, 1886.

SIR: I have the honor to return claims of Ellen E. Adams and fifty-four others, being those which were transmitted to you by the letter of the acting governor of Nevada, dated February 13, 1886.

An act of the legislature of Nevada, approved February 27, 1885, provided that certain claims might be presented to the State board of examiners, consisting of governor, secretary of state, and attorney-general; and that the governor should transmit to the Secretary of the Treasury of the United States, or other proper officer, such of the claims as should be approved in any sum by said board, and urge their payment by the United States.

The claim of Mary M. Stiles (formerly McDowell), will be specially mentioned below.

The claims of the fifty-four others are for compensation for military service in, or supplies, etc., furnished to, militia of the State engaged in suppressing Indian hostilities in 1860. I do not find that provision has been made by any law of the United States for the adjudication of such claims. For two reasons at least they do not come within the provisions of the act of Congress of June 27, 1882 (18 Stat., 111):

First. The act was confined to expenses, etc., in organizing, etc., forces called into active service by the authorities of a State or Territory between April 15, 1861, and June 27, 1882, whereas all these claims are alleged to have occurred in 1860.

Second. The act did not authorize the adjudication of any claims of individuals, but only claims of States or Territories, and only for expenses incurred or *indebtedness assumed* by the *States or Territories*. Nevada has *not* assumed to pay any part of the indebtedness alleged in the fifty-four claims, on the contrary the sixth section of the State act above referred to is in these words: "Nothing herein contained shall be construed as to make the State of Nevada liable for the amount of any approved claim, or any amount of money whatever, except as the same may be received from the Treasury of the United States for the payment of such claims allowed by the United States Government, and to the extent of such allowance."

The board did not consider the claim of Mary M. Stiles (formerly McDowell), holding that it was not of the class of claims which the State act of February 27, 1885, authorized it to pass upon; but, by oversight, probably, it has been forwarded to you with the others. Her claim is for boarding and lodging officers and soldiers of the United States at her hotel April 1, 1863, to about May 1, 1864, \$3,450. In its present form it is not entitled to any adjudication, there being no attempt to set out any account, and the amount demanded being the product of mere guess-work. The United States is not liable for hotel bills of its officers; and if she furnished board or lodging to United States soldiers under any proper authority she could readily have collected at the time all which was due her. The presumption is that she would not have deferred a demand for twenty-two years.

I recommend that the papers in her case be transmitted to the Secretary of War, with suggestion that they be placed on file, for use in the event of the presentation of a claim by her.

I recommend that the fifty-four other claims be returned to the governor of Nevada, this Department having no authority to entertain them.

Very respectfully

JNO. S. WILLIAMS,
Auditor.

Hon. DANIEL MANNING,
Secretary of the Treasury.

On the receipt of the foregoing report from Third Auditor, the Secretary of the Treasury returned all the papers to the governor of Nevada, with the following letter:

TREASURY DEPARTMENT,
March 5, 1886.

The honorable GOVERNOR OF NEVADA:

SIR: I have the honor to acknowledge the receipt of your communication of the 13th ultimo, transmitting to this Department, in compliance with an act of the legislature of Nevada, February 27, 1885, fifty-five claims for compensation for military service in, or supplies, etc., furnished to militia of the State engaged in suppressing Indian hostilities in 1860, with the exception of the claim of Mary M. Stiles (formerly McDowell), which is for boarding and lodging officers and soldiers of the United States in 1863 and 1864.

In reply thereto, I have to state that no provision has been made by Congress for the adjudication of these claims. They do not come within the terms of the act of June 27, 1882 (22 Stat., 111), being "An act to authorize the Secretary of the Treasury to examine and report to Congress the amount of all claims of the States of * * * and Nevada * * * for money expended and indebtedness assumed by said State * * * in repelling invasions and suppressing Indian hostilities, and for other purposes," and are returned herewith as a class of claims which can not be entertained without legislation by Congress.

A copy of the Third Auditor's report in the matter is inclosed for your information, and the papers of the case of Mrs. Stiles have been forwarded to the Secretary of War, as recommended by the Auditor.

Respectfully, yours,

D. MANNING,
Secretary

It will be observed by the foregoing that the Treasury Department differed from the conclusions of the Committee on Military Affairs (which were based on the letter of the War Department), in holding that the claims could not be paid without further legislation by Congress.

More than one-half of the allowances made by the board of examiners of Nevada was for interest. This your committee disallow. There are several items allowed by the board for services during the first expedition under Major Ormsby before the arrival of the United States troops. These items your committee have also rejected, and confined the allowances for services in the expedition in which the volunteer troops under Colonel Hays acted in conjunction with the United States forces under Captain Stewart.

There is no question about the justice of the claims allowed by your committee. It is true many years have elapsed since these claims arose, but the claimants can hardly be charged with negligence, having prepared their claims within a reasonable time and presented them to Congress, with the evidence upon which they are based. The claims are all small, averaging a little over \$500 each, and the claimants are generally poor and unable to come to Washington to prosecute their individual claims. The amount involved is probably less than one-tenth of the money, supplies, and services contributed by citizens during the Pi-Ute war.

Congress has already recognized the obligation of the United States to pay these claims. On June 17, 1874, an act was passed directing the Secretary of the Treasury to pay the sum of \$19,473.50 to John M. McPike, in full settlement for beef and supplies furnished the troops by Jordan & McPike in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in 1860. (See U. S. Stat., p. 40 of private acts, chap. 296.)

On March 3, 1885, an act was passed directing the payment to John M. Dorsey of \$9,021.33, and to William F. Shepard \$3,746.66, in full settlement for beef and supplies furnished the troops by Wallace, Dorsey & Shepard, and S. B. Wallace, in quelling the Indian disturbances in the Territory of Utah, now the State of Nevada, in the year 1860. (See U. S. Stats., vol. 23, p. 674.)

These claims were sufficiently large to enable the claimants to prosecute them in Washington, but they were no more meritorious than the small individual claims provided for in the bill under consideration, which arose out of the same war and under the same circumstances as the claims already paid by Congress. Several reports were made in both Houses upon the claims of Dorsey & Shepard and Jordan & McPike. The first of these reports was made by Mr. Willey from the Senate Committee on Claims during the third session of the Forty-first Congress, from which we make the following extracts:

In the spring of 1860 great alarm was excited among the inhabitants of Virginia City and its vicinity, then in Utah Territory, by the depredations of the Pi-Ute Indians. An irregular force of about one hundred persons, consisting of many of the best citizens, was organized, armed with such weapons as they could procure, and went out from Virginia City to chastise the Indians. The expedition was unfortunate, falling into ambush, where some sixty of said citizens were killed by the Indians and the others dispersed. This greatly increased the alarm, and there was good reason to fear that the settlements around Virginia City, if not the town itself, would be attacked by the Indians in large force. There were no troops or arms of Government nearer than Salt Lake, five or six hundred miles distant. Under these circumstances the governor of California and the United States officer in command of the Department of the Pacific sent forward to Virginia City arms and ammunition, in charge of proper officers. Two or three hundred volunteers also came along with the United States troops. The citizens of Virginia City and vicinity, together with the

United States troops and volunteers from California, organized a regiment and selected Col. Jack Hays, who happened to be there at the time, to take command thereof. Thus organized and thus commanded, this improvised regiment marched against the Indians, and, after a hard-fought battle, whipped them severely and secured peace and safety. * * *

The evidence shows that this expedition against the Indians was necessary for the preservation of the lives and property of the people of Virginia City and vicinity, and that its organization and success perhaps preserved the people there from destruction. The Government had no troops there; the danger was instant; there were no means of preventing destruction excepting those adopted. The people themselves did what the Government should, perhaps, have been prepared to do. Under these circumstances the committee think there is a moral and equitable obligation resting on the Government to pay the necessary expenses of the expedition.

The prices charged for the supplies seem to be high, but the testimony is all to the effect that, under the adverse circumstances of the case, they could not have been furnished for less. * * *

STATEMENT OF WILLIAM M. STEWART.

UNITED STATES SENATE, *April 14, 1888.*

William M. Stewart states that he was in Virginia City during the war of 1860; that he aided in fitting out both expeditions against the Indians and contributed for that purpose \$1,000, for which he never has and never will present a claim; that many citizens of both California and Nevada contributed considerable sums of money who will never make claims for the same; that he knows most of the persons for whose relief this bill is presented, and knew them at the time of the war; that he is unable to state what amount any particular individual contributed, but does know that nearly every person in the Territory of Nevada contributed freely to the full extent of their means, and that from his general knowledge of the subject he believes the claims presented are just and reasonable.

WM. M. STEWART,
Nevada.

Congress has in numerous instances paid claims of the same character of those provided in the bill under consideration, among which the following are cited as precedents:

By act approved March 3, 1797, entitled "An act making appropriations for the military and naval establishments for the year 1797," appropriations were made, to satisfy and discharge claims for militia service on the frontiers of Georgia, the sum of \$70,496.35; for militia service on the frontiers of Kentucky, \$3,836.76; and for militia service on the frontiers of South Carolina, the sum of \$8,400.25.

By an act approved May 13, 1800, the accounting officers of the Treasury were authorized to settle the accounts of the militia who served on an expedition commanded by Maj. Thomas Johnson against the Indians in the year 1794, the same to be paid out of any moneys in the Treasury not otherwise appropriated.

By section 3 of an act of Congress approved March 14, 1804, making appropriations for the support of Government for the year 1804, it was provided "that the sum which shall be found due on a settlement of the accounts of the militia who served on an expedition commanded by Maj. Thomas Johnson against the Indians in the year 1794, be paid out of any moneys in the Treasury not otherwise appropriated, the appropriation made by the act of the 13th of May, 1800, having been carried to the credit of the surplus fund."

By the second section of an act approved March 2, 1829 (Army appropriation bill), an appropriation was made of \$856.55 to pay a company of Illinois militia commanded by Captain Morgan, called into service on the northwestern frontier in 1827, to be settled by the Secretary of War agreeably to the third section of the Army appropriation bill, approved March 21, 1828.

By an act approved July 2, 1836, the Secretary of War was directed to ascertain the sums severally due to persons who performed duty in the companies commanded by Captains Crawford, Wallis, and Long, of the militia of Missouri, and in the companies of Captain Sigler, of the militia of Indiana, for the protection of the frontiers of those States against the Indians, and to cause them to be paid for the time they were actually engaged in said service in the year 1832, at the rate and according to the principles established for the payment of similar services rendered the United States.

By the third section of an act approved March 1, 1837, the Secretary of War was directed to cause to be paid to the volunteers and militia of Kentucky, Tennessee, Alabama, and Mississippi, including the companies in Mississippi mustered into the serv-

ice, who were duly called into service, and whose service was accepted by the executives of the States, respectively, during the summer of the year 1836, under requisitions from the Secretary of War, or from generals commanding the troops of the United States, and who were discharged before marching, the amount of one month's pay, with all the allowances to which they would have been entitled if they had been in actual service during the period of one month; and by the fourth section of said act an appropriation was made for paying the Rifle Rangers, Coosada Volunteers, and Independence Blues, under the command of Major Holt; and for the payment of Major Holt and battalion staff, to be paid on presentation of the rolls of said companies and battalion staff to the Paymaster-General, with evidence of the time they were in the service against the Creek Indians in the months of May and June, 1836.

By an act approved February 4, 1843, the Secretary of War was authorized to cause to be paid to the companies of Captains Johnson, Henderson, Knight, Jones, and North, for services rendered in the year 1840, according to the muster-rolls of said companies, and also the companies of Captains Jernigan and Sweat, for services rendered in the year 1841, according to the muster-rolls of said companies, such payment to be governed by the laws and regulations applicable to the payment of volunteers and militia of the United States.

By act approved March 3, 1843, the accounting officers of the Treasury were authorized and required to settle the claims for supplies furnished the Florida militia, the payment of which was provided for by act of August 23, 1842, upon principles of equity and justice, under the directions of the Secretary of War.

By act approved August 7, 1848, the Secretary of the Treasury was directed to pay to the mounted Tennessee volunteers who served in the companies of Captains Gillespie, Peake, Vernon, and Rogers in 1836, to each the sum of 40 cents per day for the use and risk of his arms, and the sum of 15 cents per day for forage from the 1st of November, 1836, until they were finally discharged.

By act approved March 2, 1835, the Secretary of the Treasury was directed out of the appropriation mentioned in the act to "settle and adjust the expenses of the defense of the people of Oregon from the attacks and hostilities of the Cayuse Indians, in the years of 1847 and 1848, approved February 14, 1851," the sums found due and allowed by Commissioners Wait and Rice and by the governor of Oregon.

By act approved March 3, 1853, supplying deficiencies in the appropriations for the year ending June 30, 1853, the sum of \$10,569.06 was appropriated for Mexican hostilities.

By the same act the sum of \$18,060.49 was appropriated for pay of Louisiana and Texas volunteers.

By an act approved March 3, 1855, making appropriations for the civil and diplomatic expenses of Government for the year ending June 30, 1856, it was provided that the sum of \$25,000 be appropriated to pay the necessary expenses of six companies of volunteers called into the service of the United States by Brigadier-General Smith, in the State of Texas, to be paid under the direction of the Secretary of War.

By an act making appropriations for the support of the Army for the year ending the 30th of June, 1856, and for other purposes, approved March 3, 1855, an appropriation of \$137,755.38 was made for pay, supplies, and traveling expenses of six companies of Texas volunteers called into the service by the governor of Texas and mustered into the service of the United States.

By act of March 2, 1861, \$400,000 was appropriated for pay of volunteers in Oregon and Washington in suppression of Indian hostilities in 1855-'56.

AN ACT making appropriations for the payment of the awards made by the commissioners appointed under and by virtue of an act of Congress entitled "An act for the relief of persons for damages sustained by reason of the depredations and injuries by certain bands of Sioux Indians." Approved February 16, 1863.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of nine hundred and twenty-eight thousand four hundred and eleven dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of the several amounts awarded by the commission appointed under and by virtue of an act of Congress entitled "An act for the relief of persons for damages sustained by reason of the depredations and injuries by certain bands of Sioux Indians," approved February 16, 1863, to the several persons, firms, estates, and corporations, respectively, to whom such amounts were awarded by said commissioners. * * * (13 Stats. at Large, p. 92.)

By act approved March 3, 1875, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1876, the sum of \$25,000 was reappropriated for the payment of volunteers of Washington and Oregon Territories, who were engaged in the suppression of Indian hostilities therein in the years 1855 and 1856, and for the payment of claims for services, supplies, and transportation incurred in the maintenance of said volunteers, and for horses and other property lost or destroyed in said service, as provided for by the act of Congress approved March 2, 1861.

AN ACT for the relief of citizens of Montana who served with the United States troops in the war with the Nez Perces and for the relief of the heirs of such as were killed in such service.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That each volunteer who joined the forces of the United States, in the Territory of Montana, during the war with the Nez Perce Indians, shall be paid one dollar per day during the term of such service, from the time that he left his home until he was returned thereto, including all time spent in hospital under treatment by such as received wounds or other injuries in such service.

SEC. 2. That all persons who were wounded or disabled in such service, and the heirs of all who were killed in such service, shall be entitled to all the benefits of the pension laws, in such manner and to the same extent as if they had been duly mustered into the regular or volunteer forces of the United States.

SEC. 3. That all horses and arms lost in such service shall be paid for at their actual value, to be duly ascertained by the commanding officer of the district of Montana: *Provided*, That no payment shall be made for such losses except upon the statement of the commanding officer of the United States troops or such other officer of the regular Army as might be in control of the volunteers at the time of such loss, and such other proofs as may be required by the commanding officer and the United States quartermaster for the district of Montana, to establish the fact that such losses were made in the service of the United States.

Approved, March 3, 1881. (U. S. Stat. at Large, vol. 21, p. 641.)

And by the second section of an act approved January 6, 1883, the Secretary of the Treasury was directed to pay to the State of California and to the citizens thereof, their heirs, representatives, or assigns, the sum of \$4,441.33 for arms, ammunition, supplies, transportation, and services of volunteer forces in suppressing Indian hostilities in said State during the said years of 1872-'73, as the same were specifically reported to Congress by the Secretary of War December 15, 1874.

The committee report back a substitute for the bill (S. 2542), and recommend its passage.

Since the foregoing report was made, and since the passage through the Senate at the several times hereinbefore mentioned of the bill for the payment of the claims therein enumerated, and since the several favorable reports were made in the House of Representatives on said claims, other claims arising at the same time and place and under the the same circumstances have come to the knowledge of your committee and are provided for herein.

The committee has again examined the evidence and the decisions of the Nevada State Board of Examiners in each case and finds the evidence sufficient to establish equity in all the claims passed upon by said board. But the committee has not the means of scrutinizing the evidence or obtaining further evidence as to the just amount due each claimant. It has, therefore, come to the conclusion that the whole matter should be examined in the Treasury Department, where the officers of the Government and the claimants will be fully represented.

The Court of Claims has no jurisdiction of these claims under existing law, but they fall within that class of claims which has been uniformly recognized and paid by the United States. In most of these cases the property taken, services rendered, money expended, and supplies furnished were in aid of the volunteer troops cooperating with United States forces in suppressing Indian hostilities in 1860, within the Territorial limits of the present State of Nevada.

The chief questions to be considered are—the value of the property taken, services rendered, supplies furnished, and the amount of money

advanced, which the Department can determine on the evidence, reports, and documents submitted to the State Board of Examiners, and such additional evidence as the officers of the Government may require, or which the claimants themselves may submit in support of their respective claims to said Department.

The committee, therefore, report back a substitute for the bill (S. 100) and recommend its passage.

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H. Rep. 5—2

HEIRS OF THOMAS J. CHACE.

APRIL 26, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BRENNER, from the Committee on War Claims, submitted the following

REPORT.

[To accompany S. 1895.]

The Committee on War Claims, to whom was referred the bill (S. 1895) for the relief of the heirs of Thomas J. Chace and Thomas J. Chace, jr., submit the following report:

The facts out of which this bill for relief arises will be found stated in Senate report from the Committee on Claims of the present Congress, a copy of which is hereto attached and made a part of this report.

Your committee recommend the passage of the bill.

[Senate Report No. 601, Fifty-fifth Congress, second session.]

The Committee on Claims, to whom was referred the bill (S. 1895) for the relief of the heirs of Thomas J. Chace and Thomas J. Chace, jr., late of Monticello, Fla., have carefully considered the same and submit the following report thereon:

The claim is for rent of a brick building and wooden warehouse at Monticello, Fla., occupied from September 23, 1865, to November 30, 1865, by the United States authorities, under a contract with Thomas J. Chace and Thomas J. Chace, jr., who at that time owned and controlled the property.

Under this contract a voucher in duplicate was issued by Lieut. John Carlovitz, regimental quartermaster First Florida Cavalry, for \$132.18, and the pending bill provides for the payment of this amount to the claimants as the heirs of the owners of the property.

The lessors of the property presented their claim during the following year, and it was disallowed by the Second Comptroller because the payment of such claims was not at that time authorized, as will appear from a communication addressed to a member of the committee by the Auditor of the War Department, which is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE AUDITOR FOR WAR DEPARTMENT,
Washington, D. C., February 26, 1897.

SIR: In reply to your letter of the 24th instant, asking information in reference to a claim of T. J. Chase & Co., of Monticello, Fla., you are respectfully informed that a claim in favor of said firm based upon voucher in duplicate, issued by Lieut. John Carlovitz, regimental quartermaster First Florida Cavalry Volunteers, for

the hire of a brick building and wooden warehouse, as a hospital, from September 23, 1865, to November 30, 1865, at \$700 per annum, amounting to \$132.18, was disallowed by the Second Comptroller on the 7th of June, 1877.

The reason stated for the rejection was that the claim was one for the occupation of real estate, and originated during the war in a State declared to be in rebellion, and that it was consequently barred by the act of February 21, 1867. The papers in the disallowed claim are on file in this office.

Respectfully, yours,

T. STOBO FARROW, *Auditor.*

Hon. S. PASCO, *United States Senate.*

There is no doubt as to the validity of the claim. The contract was entered into by the Government through its proper officers, the buildings were occupied for the time agreed upon, and it is admitted that the rent has not been paid. It could not be paid at the time by the Treasury officers, because, under the laws which existed at the time, those who made such contracts with the Government within the States which had attempted to withdraw from the Union were forced to apply to Congress to obtain the payment of their claims. Relief has been granted by the Congress in similar cases, and the committee are of the opinion that the amount due the complainants and set forth in the voucher should be paid.

A verbal amendment is proposed in line 8 by substituting "buildings" for "house," so as to conform to the facts as they appear in the record. When thus amended it is recommended that the bill do pass.

O

OLIVER M. BLAIR, ADMINISTRATOR.

APRIL 26, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MAHON, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 9949.]

The Committee on War Claims, to whom was referred the bill (H. R. 9949) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased, submit the following report:

A bill similar in its nature was before the Committee on War Claims of the Fifty-third Congress and was reported favorably.

Your committee adopt now as their own the report made in the House of Representatives, third session Fifty-third Congress, a copy of which is hereto attached and made a part of this report.

Your committee recommend the passage of the bill, and attach to their report the testimony of Captain Ashmead and ask that it be printed as a part of this report.

[House Report No. 1791, Fifty-third Congress, third session.]

The Committee on War Claims, having had under consideration the bill (H. R. 8173) for the relief of Oliver M. Blair, administrator of Thomas P. Blair, deceased, beg leave to report thereon as follows:

Hon. Thomas P. Blair, whose estate is the claimant in this case, resided in Shippensburg, Cumberland County, Pa., for many years before, during, and after the war of the rebellion, and died on November 7, 1887, when his son, Oliver M. Blair, became his administrator. The decedent was engaged in the grain business and his warehouse was located on the Cumberland Valley Railroad, which passes through his town.

In the spring of the year 1863 Albert S. Ashmead, captain and assistant quartermaster of volunteers, United States Army, employed the firm of Oaks & Linn, of Chambersburg, Pa., 10 miles distant from the town of Shippensburg, to purchase oats and corn along the line of the Cumberland Valley Railroad for the use of the Government, at Hagerstown, in the State of Maryland, the southern terminus of said railroad.

The firm of Oaks & Linn, in pursuance of their authority from Capt. Albert S. Ashmead, assistant quartermaster in United States Army, acting in the name and by

the authority and direction of the Secretary of War, agreed that they would take for the United States all the oats and corn the decedent could furnish at a certain stipulated price, to wit: For corn, \$1 per bushel, and for oats, 80 cents per bushel, the decedent to put the same into bags to be furnished by the said Captain Ashmead, and to store in his warehouse in said bags, duly marked as the property of the United States, until orders and transportation were sent to forward the said oats and corn.

The decedent executed his part of the agreement and purchased a large quantity of oats and corn, to wit, 25,000 bushels of oats and 12,000 bushels of corn; that Captain and Assistant Quartermaster Ashmead furnished the bags, properly marked as the property of the United States, into which the decedent put said oats and corn, and allowed it to remain in his warehouse, as directed by said agents of the United States.

In consequence of the invasion of the Cumberland Valley and the State of Pennsylvania by the rebel forces under the command of General Lee in June, 1863, Captain and Assistant Quartermaster Ashmead desired to have said oats and corn sent to Harrisburg, in the State of Pennsylvania, instead of Hagerstown, in the State of Maryland, and on the 22d day of June, 1863, the decedent received orders from Captain Ashmead to forward the said oats and corn to Harrisburg, and was notified that on the next day (the 23d of June, 1863) cars would be at the decedent's warehouse to take it away. In the meantime, however, the advance guard of General Lee's army came to Shippensburg, and finding said oats and corn identified and set apart in the warehouse of the decedent as the property of the United States, seized and appropriated the same to their own use.

On these facts the United States became justly indebted to said decedent in the sum of \$32,000 for the value of said oats and corn, but no payment for the said oats and corn has ever been made. The decedent in due time presented his claim for payment to the Quartermaster-General of the United States Army, but his claim was not allowed on the ground that the Quartermaster-General did not believe that he had jurisdiction, and that Congress alone could grant the decedent relief. That thereupon the decedent presented his petition for relief to Congress, and the bill now under consideration (H. R. 8173) was introduced and sent to the Committee on War Claims.

The committee find very clearly from the evidence that Captain Ashmead, through his agents, agreed to take at market price for the use of the Government all the oats and corn which Mr. Blair could buy and store in Government bags in his warehouse at Shippensburg, Pa., in the summer of 1863. June 22, 1863, Mr. Blair had in Government bags in his warehouse 25,000 bushels of oats, worth at market price 80 cents per bushel, and 12,000 bushels of corn, worth at market price \$1 per bushel, aggregating \$32,000, which he had purchased for the Government.

This corn and oats belonged to the United States Government and would have been removed by it on June 23, 1863, if the forces of General Lee had not seized and appropriated it. The fact that the Confederate troops seized the oats and corn after it had become the property of the Government was no reason for the Government refusing to pay for it.

The Quartermaster-General would have been fully authorized under the law to have approved Mr. Blair's claim, and the extreme caution with which he acted, and the rigid construction which he put upon the contract, were not justified by the law and the facts.

"When the terms of sale are agreed on, and the bargain is struck, and everything that the seller has to do with the goods is complete, the contract of sale becomes absolute between the parties without actual payment or delivery, and the property and the risk of accident to the goods rest in the buyer. (Kent. Com., vol. 2, p. 492, 12th ed., and numerous authorities there cited.)

"Heineccius, in his excellent treatise on the law of nature, says that the risk of the thing purchased after the bargain is completed, though without delivery, ought to fall on the buyer in cases free from fault or delay on the part of the seller, quia emptor jure naturæ sine traditione sit dominus. (Jur. Nat. et Gentium, 6, 1, c. 17, sec. 353.)

"Marking the parcels in the store of the warehouseman with the initials of the name of the purchaser is a delivery. (3 Caines, 182.)

"The change of mark on bales of goods in a warehouse by direction of the parties operates as a delivery of the goods. (Lord Ellenborough, 14 East., 312.)

"The selecting and marking of sheep in the possession of the vendor, who retains possession for the vendee, is a sufficient delivery to complete the sale and pass the property. (2 Vermont, 374.)

"If no place be designated by the contract the general rule is that the articles are to be delivered at the place where they are at the time of the sale. (Kent Com., vol. 2, p. 505, etc.)"

Mr. Blair's claim is a just one and payment should no longer be delayed.

The committee therefore recommend the passage of the bill.

Testimony of Albert L. Ashmead, taken this 11th day of March, A. D. 1897.

[Questions by the notary public.]

Q. What is your age? Where do you reside? Are you related to the claimant in this case? Have you any interest, direct or indirect, in this claim?—A. I am in my sixty-third year, and reside at Jeffersonville, Montgomery County, Pa. I am not related to the claimant and have no interest in this claim.

Q. Were you a captain and assistant quartermaster of volunteers, and how long did you serve?—A. I can not give you the dates, but I was captain and assistant quartermaster until the middle of November, 1865, and I was quartermaster of the Twenty-ninth Pennsylvania Volunteers from about the commencement of the war until I was promoted and made captain and assistant quartermaster.

Q. As captain and assistant quartermaster in the spring and summer of 1863, where were you?—A. I was in Chambersburg, Pa. I had charge of the purchase of forage for the Department of Pennsylvania.

Q. Did you ever give a firm by the name of Oaks & Linn, of Chambersburg, authority to purchase oats and corn along the line of the Cumberland Valley Railroad; and if so, was the authority written or verbal?—A. I did give them authority, but I can not say whether it was verbal or written. I think it was verbal.

Q. What was the contract?—A. It was to purchase forage, not only corn and oats, but hay, if they could get it, and all the grain that was purchased I was to furnish bags for on account of the Government.

Q. Did you know T. P. Blair?—A. I do know him.

Q. Did Oaks & Linn contract with him for you?—A. Yes.

Q. Were you to send the cars for this grain?—A. I was. I was to furnish cars as fast as the grain could be furnished. The original destination of the grain was Hagerstown, but when the invasion of the State took place I had to change it to Harrisburg.

Q. Do you know that Mr. Blair was prevented from sending this grain for want of cars?—A. Yes; I understood that Mr. Blair had a large amount of grain collected and I had sent him a number of bags, showing that I was ready to take it. These were Government bags.

Q. Did Mr. Blair do all that he could to comply with the contract?—A. Mr. Blair saw me in Reading, Pa., and he told me he had collected a large quantity, which I knew to be the case.

Cross-examined by COUNSEL:

Q. With whom was the contract for this grain?—A. With Oaks & Linn.

Q. To whom did you give contracts?—A. With the party themselves. Oaks & Linn would notify me; then the parties would send me the bill of lading. Oaks & Linn were my agents to procure from the parties having it grain for the use of the Government; in other words, they were my agents to purchase, and the settlements I made with the parties who furnished the grain.

Q. Did you notify Blair and other parties where to deliver the grain, etc.?—A. No, sir; as soon as delivered in the cars I sent it to where it was needed. My contracts were to have the grain delivered in the cars which were sent to their warehouses, and I then sent the loaded cars wherever they were needed.

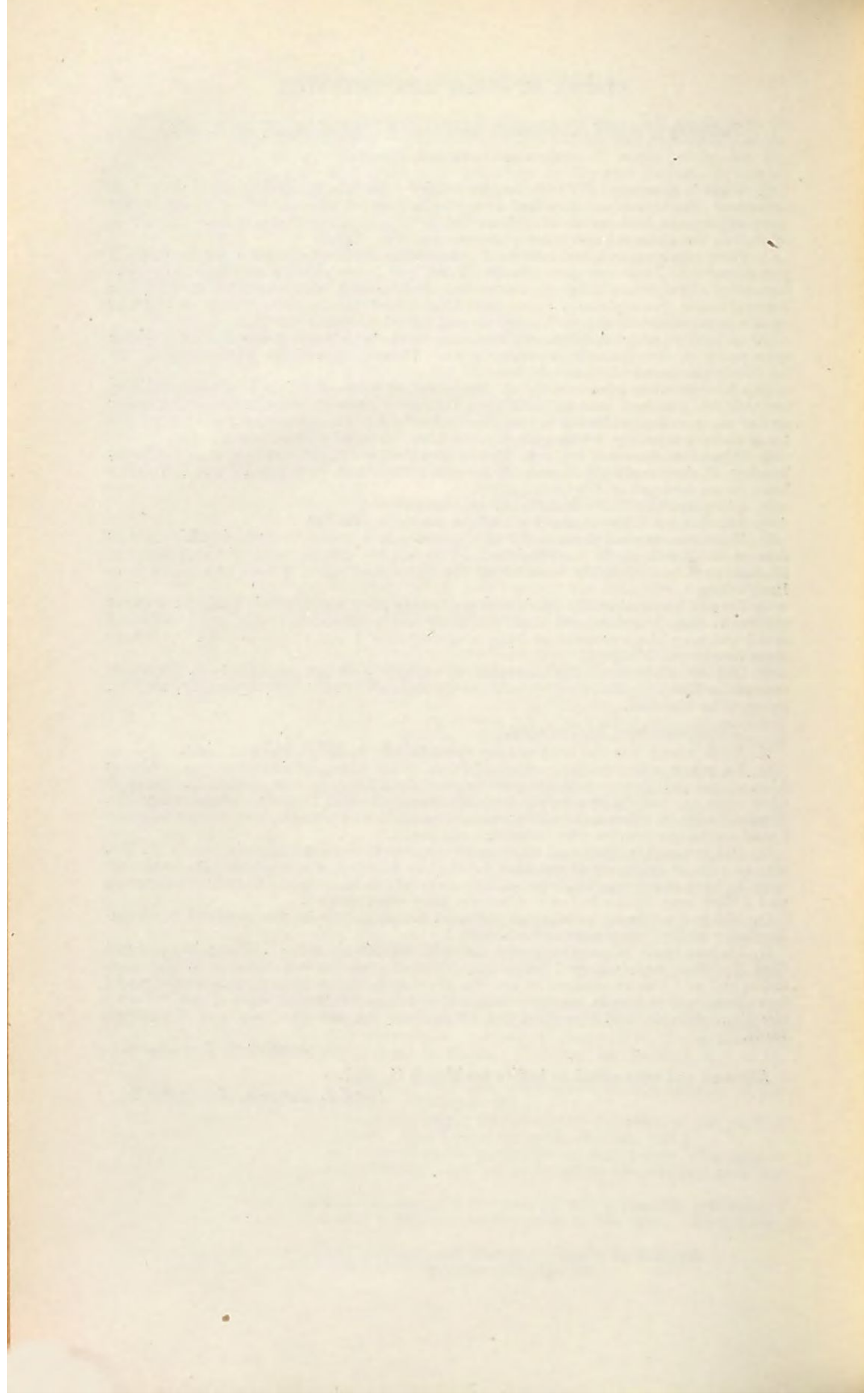
Q. Did you settle by voucher or payment for all the grain you received at Chambersburg while quartermaster?—A. Yes.

Q. Do you know of anything else material to this claim?—A. There is no doubt that Mr. Blair had collected large quantities of grain in consequence of this contract, and as I was as anxious to get the grain as he was to deliver it, the cars would have been sent to him in ample time had it not been for the invasion of our State by the Confederates, and therefore the nondelivery on the cars was not Mr. Blair's fault.

ALBERT S. ASHMEADE.

Affirmed and subscribed to before me March 11, 1887.

JOHN J. CORRON, *Notary Public.*



JOHN T. BROWN.

APRIL 26, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GIBSON, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 1941.]

The Committee on War Claims, to whom was referred the bill (H. R. 1941) for the relief of John T. Brown, submit the following report:

A bill similar in its nature has been before Congress for many years, has often been reported favorably in the House, but never reached consideration.

Your committee adopt now, as their own, the report made in the House of Representatives, first session Fifty-fourth Congress, on behalf of the Committee on War Claims, a copy of which is hereto attached for information.

Your committee recommend the passage of the bill with the following amendment:

In line 6 strike out "two" and insert in lieu thereof "one."

[House Report No. 229, Fifty-fourth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 3039) for the relief of John T. Brown, submit the following report:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Fifty-third Congress. A careful examination of the facts involved brings your committee to the same conclusion as that reached by the committee of the last Congress.

A copy of said report is hereto attached and made a part of this report.

Your committee recommend the passage of the bill with the following amendment:

In line 6 strike out "two" and insert in lieu thereof "one."

[House Report No. 757, Fifty-third Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 923) for the relief of John T. Brown, submit the following report:

This measure was considered by this committee in the Fifty-first Congress, and was reported upon favorably, which report is appended as a part of this report.

Your committee concur in the conclusions stated in that report and recommend the passage of the bill.

[House Report No. 2787, Fifty-first Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 11455) for the relief of John T. Brown, report as follows:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Fiftieth Congress, hereto annexed and made a part of this report.

Your committee report back the bill and recommend its passage.

[House Report No. 3133, Fiftieth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 9014) for the relief of John T. Brown, report as follows:

The history of this case, from the evidence furnished the committee, is that on or about November 30, 1863, Miss Mary Love, of Kingston, Tenn., was intrusted with an important dispatch from Gen. U. S. Grant to Gen. A. E. Burnside, at Knoxville, Tenn.; that she carried said dispatch to Louisville, Tenn., accompanied part of the way by Thomas F. Carter, as escort and guide; that Miss Love then delivered the dispatch to John T. Brown, who was then a boy only about thirteen years of age, and that he carried the dispatch from there to Knoxville, Tenn., through the enemy's lines, a distance of about 13 miles, and delivered the same to Gen. A. E. Burnside, whose army was then being besieged in Knoxville by the rebels. General Burnside testifies that the dispatch was a very valuable one to the public service. That it was is shown by the fact that in January, 1873, Congress passed an act granting to Miss Mary Love \$2,000 for her services. The undertaking was a perilous one and in its accomplishment a creditable act, and for which he deserves the thanks of all lovers of their country. The evidence shows that he had to get out of Louisville through the enemy's pickets and into Knoxville through their lines. Miss Love states that he was the only person at Louisville that could be found to undertake to carry the dispatch through. It is said that one soldier (Charles Francis) lost his life in an attempt to carry a copy of same dispatch through by another route.

The committee therefore recommend the passage of the bill granting him \$2,000 in recognition of the service performed.



ESTATE OF THOMAS V. STIRMAN.

APRIL 26, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. DAVISON, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 5479.]

The Committee on War Claims, to whom was referred the bill (H. R. 5479) for the relief of Thomas V. Stirman's estate, submit the following report:

The report of Mr. Stone, made to the House of Representatives at the first session of the Fifty-second Congress, is so full and conclusive that your committee have adopted it as a fair statement of the grounds for relief.

Your committee recommend the passage of the bill.

[House Report No. 157, Fifty-second Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 854) for the relief of the estate of Thomas V. Stirman, deceased, report as follows:

Thomas V. Stirman, during the war of the rebellion, was the owner of a livery stable in Cynthiana, Harrison County, Ky., and on July 16, 1862, eleven of his horses, together with a set of double harness, eight bridles, and four saddles, were taken from his stable for the use of the troops under the command of William O. Smith, major Seventh Kentucky Cavalry, and appropriated to the use of the United States Army.

The evidence submitted before the Third Auditor of the Treasury and the Court of Claims proves that said Major Smith was in camp at Cynthiana, Ky., recruiting his regiment from June 15, 1862, and that on the 16th day of July following he had 75 men not mounted; that the Confederate forces under General Morgan were raiding throughout the State and might make their appearance at that point, and hence the Federal cavalry troops should all be mounted to resist him, whereupon the horses in the livery stable of Thomas V. Stirman were impressed into service, and that on the 17th day of July a conflict was had between these forces and General Morgan's command at Cynthiana, resulting in the capture of the Federal forces and their horses and equipments.

The claimant was diligent in seeking payment for his property, as will appear in the report of his case from the Court of Claims (Mis. Doc. 39, Fifty-first Congress, first session), and which is embraced in the report of this committee.

[House Mis. Doc. No. 39, Fifty-first Congress, first session.]

Letter from the assistant clerk of the Court of Claims, transmitting findings and opinion of the Court of Claims in the case of John W. Kimbrough, administrator of Thomas V. Stirman, vs. The United States.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, December 12, 1889..

SIR: Pursuant to the order of the court, I transmit herewith a certified copy of the findings and opinion of the court in the aforesaid cause, which case was referred to this court by the Committee on War Claims, House of Representatives, under the act of March 3, 1883.

I am, very respectfully, yours, etc.,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Hon. THOS. B. REED,
Speaker of the House of Representatives.

STATEMENT OF CASE.

The claim in the above-entitled case, for supplies or stores alleged to have been taken by or furnished to the military forces of the United States for their use during the late war for the suppression of the rebellion, was transmitted to the court by the Committee on War Claims of the House of Representatives on the 18th day of February, 1885.

T. W. Tallmadge, esq., appeared for claimant, and the Attorney-General, by Lewis Cochran and W. J. Rannells, his assistants, and under his direction, appeared for the defense and protection of the interests of the United States.

On a preliminary inquiry the court, on the 26th day of April, 1886, found that the person alleged to have furnished the supplies or stores, or from whom they were alleged to have been taken, was loyal to the Government of the United States throughout said war.

The case was brought to a hearing on its merits on the 19th day of November, 1889.

The claimant in his petition makes the following allegations:

"That the United States forces, by proper authority, July 17, 1862, took from said Thomas V. Stirman certain quartermaster stores, consisting of horses, harness, saddles, and bridles, which he was using at the time in his livery stable, the value of which amounted to the sum of \$978, and appropriated the same to the use of the U. S. Army at Cynthiana, Ky., and were in detail as follows: Eleven head of horses, which were of the reasonable value of \$910; one double set of harness, valued at \$20; four saddles, valued at \$40; eight bridles, valued at \$8.

"Your petitioner further states that the claim of said deceased for compensation for said stores and supplies was presented to the Quartermaster-General of the United States, who referred the claim for settlement to the Third Auditor of the Treasury under the act of March 3, 1849, but that officer disallowed the claim on the ground he had no jurisdiction to examine the claim of a citizen, and not a soldier, under said act."

Upon the trial the counsel for the defendant raised the question of jurisdiction under section 3 of the Bowman Act, and asked that the case might be dismissed.

The court, after considering the briefs and argument of counsel on both sides upon the question of jurisdiction, find, from the evidence, the facts bearing upon the question to be as follows:

"This claim was filed with the Quartermaster-General October 30, 1863, by C. W. Bennett, attorney for the claimant; November 5, 1863, it was returned to Mr. Bennett without action.

"Thereafter, on November 10, 1863, it was filed with the Third Auditor of the Treasury by said Bennett. The Auditor examined the case and decided that it did not come 'within the provisions of the act of March 3, 1849, as it does not appear that said property was seized by the order of any army officer or agent of the United States. The men who made the seizure were not impressing, but pillaging, and are liable to be punished therefor.'"

Of this decision the attorney for the claimant (Mr. Bennett) was informed by letter dated December 28, 1864.

The claim was never again presented to the Quartermaster-General.

OPINION.

SCOFIELD, J., delivered the opinion of the court:

This claim was transmitted to the Court of Claims February 18, 1885, under the provisions of the act of March 3, 1883, known as the Bowman Act (22 Stat. L., 485), by the Committee on War Claims of the House of Representatives.

By the first section of that act any committee of the Senate or House is authorized to transmit to this court any claim pending before it; but, by the third section, the court is forbidden to take jurisdiction of any claim "which is now (March 3, 1883) barred by virtue of the provisions of any law of the United States."

In this way it becomes the duty of the court to determine whether any case thus referred was, at the date of the act, barred by any law of the United States.

By section 2 of the act of July 4, 1864 (13 Stat., 381), the Quartermaster-General was authorized to receive and examine claims of this description, and if convinced that they were just, the claimants loyal, and the stores taken for and used by the Army, to report them to the Third Auditor for settlement.

By the act of March 3, 1879 (1 Sup. to Rev. Stat., 481, and 20 Stat. L., 650), it is provided:

"That all claims not presented and filed under said act (referring to act of July 4, 1864) and the acts amendatory thereof prior to the 1st day of January, 1880, shall be forever barred."

This claim was presented to the Quartermaster-General by C. W. Bennett, attorney for the claimant, October 30, 1863. On November 5, 1863, it was returned to Mr. Bennett without action, and was never again filed with that officer.

November 10, 1863, Mr. Bennett filed the claim with the Third Auditor. That officer examined it, and on December 28, 1864, informed Mr. Bennett, by letter, that the claim did not come "within the provisions of the act of March 3, 1849, as it does not appear that said property was seized by the order of any army officer or agent of the United States. The men who made the seizure were not impressing, but pilaging, and are liable to be punished therefor."

These facts do not, in the opinion of the court, show that the claim was presented and filed with the Quartermaster-General under the act of July 4, 1864. When it was presented, in 1863, that officer had no jurisdiction, and so returned it to the claimant's attorney. After the act of 1864 the claimant had more than fifteen years in which to present his claim. Not having done so within that time, his claim is "forever barred," and the court must dismiss his petition.

A true copy.

Test, this 12th day of December, A. D. 1889.

[SEAL.]

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

[John W. Kimbrough, administrator *de bonis non* of the estate of Thomas V. Stirman, deceased, *vs.* The United States. No. 310, Congressional.]

PETITION.—Filed April 16, 1885. J. R.

To the honorable the Court of Claims of the United States:

Your petitioner, John W. Kimbrough, administrator *de bonis non* of the estate of Thomas V. Stirman, deceased, respectfully represents:

That he is a citizen of the United States, residing in Harrison County, State of Kentucky, and by the county court of said county he has been appointed administrator *de bonis non* of the estate of Thomas V. Stirman, deceased, who also resided in said county until his death, which occurred on or about —, 1863, and who resided in said county during the late war of the rebellion, during which he did not give any aid or comfort to the enemies of the United States, but was throughout that war loyal to the Government of the United States.

That the United States forces by proper authority, July 17, 1862, took from said Thomas V. Stirman certain quartermaster stores, consisting of horses, harness, saddles, and bridles, which he was using at the time in his livery stable, the value of which amounted to the sum of \$978, and appropriated the same to the use of the U. S. Army at Cynthiana, Ky., and were in detail as follows: Eleven head of horses, which were of the reasonable value of \$910; one double set of harness, valued at \$20; four saddles, valued at \$40; eight bridles, valued at \$8.

Your petitioner further states that the claim of said deceased for compensation for said stores and supplies was presented to the Quartermaster-General of the United States, who referred the claim for settlement to the Third Auditor of the Treasury, under the act of March 3, 1849, but that officer disallowed the claim on the ground he had no jurisdiction to examine the claim of a citizen and not a soldier under said act.

Your petitioner has therefore petitioned the Congress of the United States for relief, and on or about the 18th day of February, 1885, said petition was, by the Committee on War Claims of the House of Representatives, referred to the honorable Court of Claims under section 1 of an act of Congress approved March 3, 1883, entitled "An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government."

Your petitioner further states that this claim has not been assigned or transferred, and he is the properly authorized party for the presentation thereof; and that it is correct and just, and no part of the same has been paid the deceased or his legal representative, or any other person for him; that he did not give any aid or comfort to the late rebellion, but was throughout that war loyal to the Government of the United States.

Wherefore your petitioner claims the sum of \$978, and prays for a finding of the facts before set forth and such other facts as may be shown by the evidence, and the same to be reported to the House of Representatives of the United States or to said Committee on War Claims, as provided under said act of March 3, 1883.

JNO. W. KIMBROUGH,
Administrator of Thomas V. Stirman, deceased.

Personally appeared before me John W. Kimbrough, who, being duly sworn, says that the statements contained in the foregoing petition are true, to the best of his knowledge, information, and belief. The above erasure and "John W. Kimbrough" was interlined before signing.

Subscribed and sworn to before me this 10th day of April, 1885.

[SEAL.]

ORIE LEBUS,
Notary Public, Harrison County, Ky.

The court found the original claimant loyal throughout the war by their decision made preliminary to the trial of the merits of the case, and then found they did not have jurisdiction under what is generally called the Bowman Act. Your committee have investigated the evidence which was taken by order of said court, and when the United States was represented by an attorney to cross-examine the witnesses, and are of the opinion it is proven the property as claimed was taken by the authority of and for the use of the United States, which is shown by the testimony of several Federal officers and men in the command; and the claim was approved by Major Smith, the commanding officer.

We find a precedent for payment of a claim to administrator of Richard Heater, of Loudoun County, Va., for property appropriated under similar circumstances (Forty-fifth Congress, second session, approved May 11, 1878).

Your committee therefore recommend that the bill do pass.

HEIRS OF MANETTE MARSONS.

APRIL 26, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. OVERSTREET, from the Committee on War Claims, submitted the following

REPORT.

[To accompany House Res. No. 295.]

The Committee on War Claims, to whom was referred the bill (H. R. 1479) for the relief of the heirs of Manette Marsons, deceased, submit the following report:

This is a claim for stores and supplies, the contents of the Winter House, a hotel in Pensacola, Fla. The stores and supplies were taken and appropriated in November, 1862, by the Union Army for hospital purposes, under the promise of compensation.

Manette Marsons was a colored woman. The stores and supplies in the hotel were purchased originally with her private money, although the hotel was kept in the name of Miguel Quigles, her husband, who was a white man.

Mrs. Marsons always went by her family name, though she and her husband were lawfully married a short time before he died. Quigles died October 7, 1862. Before he died he gave over and assigned to his wife all interest he might be supposed to have in the goods and the claim therefor.

The claim was filed in the office of the Quartermaster-General and dismissed for want of jurisdiction. The amount claimed is \$7,819.90.

If the claimants have a just claim it ought to be paid, and there is no reason why the proper facilities should not be afforded them to establish its validity. The committee therefore recommend that the claim be referred to the Court of Claims for a finding of facts under the terms of the acts of March 3, 1883, and March 3, 1887, the former known as the Bowman Act and the latter as the Tucker Act, and report herewith a resolution to that effect and recommend its passage.

MARTHA E. FLESCHERT.

APRIL 26, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. COOPER, of Texas, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 3697.]

The Committee on War Claims, to whom was referred the bill (H. R. 3697) for the relief of Martha E. Fleschert, submit the following report:

A bill similar to the one now under consideration was favorably reported by the Committee on War Claims of the House of Representatives at the second session of the Fiftieth Congress. Your committee concur in this report and make it a part hereof.

The report is as follows:

[House Report No. 3749, Fiftieth Congress, second session.]

The Committee on War Claims, to whom was referred the bill (H. R. 11660) for the relief of Martha E. Fleschert, report as follows:

The claim is for services rendered by Martha E. Fleschert as hospital matron for the One hundred and seventeenth Regiment of Illinois Volunteers from October 18, 1862, to March, 1864. Claim stated at \$212.50.

The proof filed in support of the bill shows that the claimant served continuously as hospital matron to the above-mentioned regiment for seventeen months, and that she has not been paid for said services.

Your committee are of opinion that the claimant should be paid for her services and report back the bill and recommend its passage.

UNION IRON WORKS.

APRIL 26, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. YOST, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 1615.]

The Committee on Claims, having under consideration the bill (H. R. 1615) to pay the Union Iron Works of San Francisco, Cal., for extra work on the *Monterey*, report the same as follows:

The committee finds that during the second session of the Fifty-fourth Congress the Secretary of the Navy, Hon. H. A. Herbert, recommended that this claim be paid, in the following letter to Congress, which is printed in Senate Document No. 89, Fifty-fourth Congress, second session:

NAVY DEPARTMENT,
Washington, January 23, 1897.

To the Senate and House of Representatives in Congress assembled:

The act making appropriations for the naval service for the fiscal year ending June 30, 1897, contains the following provision:

"The Secretary of the Navy is hereby authorized and directed to examine claims against the Government which may be presented to him by contractors for the building of the hulls or machinery of naval vessels under contracts completed since January first, eighteen hundred and ninety-one, where it is alleged that such contractors have been subjected to loss and damage through delays in the work under said contracts which were not the fault of said contractors, but were due to the action of the Government, and to report to the next session of Congress the result of said investigation, and whether said claims are, in his opinion, subjects for the jurisdiction of the Court of Claims or for the action of Congress upon the same."

Under authority of this law the Union Iron Works has presented a claim against the Government for loss and damage due to delays alleged to have been caused by the Department in the construction of the armored coast-defense vessel *Monterey*. A copy of said claim is transmitted herewith, and it will be observed that the grounds for the same are set forth in a letter addressed to the Department by the contractors under date of June 18, 1892, and certain indorsements thereon by the Secretary of the Navy, and a letter dated February 11, 1893, relative thereto, by the Judge-Advocate-General.

The whole amount stated in the claim is \$30,839.89, of which \$17,339.89 represents actual outlay alleged to be due to the delay caused by the failure of the Department to deliver the armor and its accessories, as required by the contract for the construction of the vessel, while the remainder, \$13,500, represents interest on the mean deferred payment of \$300,000 for nine months at 6 per cent a year, the amounts claimed on account of the several items having been furnished in a statement dated January 30, 1893, after the completion of the vessel.

This claim, unlike those transmitted to the Congress with the Department's letters of the 8th of December last, was, very soon after being presented to the Department, viz, on the 16th of February, 1893, and only ten days after the preliminary acceptance of the *Monterey*, submitted to a board of naval officers for audit, and said board made its report under date of the 20th of said month (copy inclosed herewith), by which it appears that, in its opinion, the contractors were entitled to reimbursement of the expenses incurred by them on account of the matters mentioned in their letter of the 18th of June, 1892, and that the board found that the Government was fairly and properly indebted to the contractors in the sum of \$14,742.58, the difference

between this sum and the amount claimed being due to the allowance by the board of smaller sums than were claimed on several of the items, and the disallowance of the \$13,500 interest claimed on deferred payments.

The Bureau of Construction and Repair approved said report in its indorsement thereon, dated March 2, 1893 (copy herewith), subject to the Department's decision as to whether the amounts allowed by the board on certain of the items could be paid under the terms of the contract; but the Department, on the 3d of said month, by indorsement (copy herewith), declined to authorize payment of the amount found due by the board on the ground that it was not within its power to do so in view of the terms of the contract for the construction of the vessel.

Should the contractors be content to accept as settlement in full the amount found by the board above mentioned from its examination of the circumstances of the case, practically at the time of their occurrence, the members of the board, as the board on changes on said vessel during her construction, having been familiar with the matters considered by them, and the Department having, in its indorsement of the 3d of March, 1893, expressed the opinion that the claim was, to said extent, meritorious, it would seem that such amount might properly be appropriated for payment thereof; but if, as appears from the papers submitted, they claim the entire amount set forth in their itemized statement of January 30, 1893, it is recommended that the whole matter be referred to the Court of Claims for determination.

Very respectfully,

H. A. HERBERT, *Secretary.*

A bill similar to the one now under consideration was referred by the Senate Committee on Claims to the present Secretary of the Navy for his opinion, and the following is his reply:

NAVY DEPARTMENT,
Washington, October 11, 1897.

SIR: The Department has the honor to acknowledge the receipt of your communication of the 9th instant, inclosing copies of the bill (S. 2398) to pay the Union Iron Works, of San Francisco, California, for extra work on the *Monterey*, and of Senate Document No. 89, Fifty-fourth Congress, second session, and requesting its recommendation and views in regard to the passage of said bill.

In reply I have to state that it appears from an examination of the matter above mentioned that the amount proposed by the bill in question to be paid to the Union Iron Works on account of extra work and expenses in constructing the U. S. S. *Monterey* was found by a board, duly appointed by this Department, to be due said company, and that the report of said board was approved by the Bureau of Construction and Repair; that Mr. Secretary Tracy, in his action of March 3, 1893, upon said report, stated that the items of expense allowed by the board were equitably due the contractors, and that he could not direct their payment because they were not provided for in the contract for the construction of the vessel, and also because the contract time for her completion had already expired and the vessel had been preliminarily accepted; and that, in a letter on this subject to the Congress, dated January 23, 1897, Mr. Secretary Herbert stated that should the contractors be content to accept as settlement in full the amount found by the board to be due them it would seem that such amount might properly be appropriated for the payment of their claim.

In view of all the foregoing, the bill in question is recommended to the favorable consideration of the Committee on Claims.

The inclosures of your communication are herewith returned, as requested by you.

Very respectfully,

JOHN D. LONG, *Secretary.*

Hon. WILLIAM M. STEWART,
Committee on Claims, United States Senate.

The following clause passed both Houses in the general deficiency bill (H. R. 10329, Calender No., 1713), Fifty-fourth Congress, second session:

For payment in full to the Union Iron Works of San Francisco the amount found due said company by the Department for extra work and expenses in constructing the *Monterey*, fourteen thousand seven hundred and forty-two dollars and fifty-eight cents.

The bill did not get President Cleveland's signature because it did not reach him in time to examine it before Congress expired.

Your committee report back the bill, and recommend its passage.

SAMUEL H. SENTENNE AND PAUL BOILEAU.

APRIL 26, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BRUMM, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 2048.]

The Committee on Claims, to whom was referred the bill (H. R. 2048) for the relief of Samuel H. Sentenne and Paul Boileau, have carefully considered the same and report the same back to the House with the recommendation that it be passed.

Reference is made to House Executive Document No. 120, Fiftieth Congress, second session, for the facts in this case.

[House Ex. Doc. No. 120, Fiftieth Congress, second session.]

DEPARTMENT OF JUSTICE,
Washington, February 1, 1889.

SIR: Herewith is inclosed the original of a letter of James R. Young, former chief clerk of the Department of Justice, dated January 31, 1889, to S. H. Sentenne and Paul Boileau, employed in this Department in the year 1883, respecting their claim for compensation for overtime and extra work as engineer and fireman.

Very respectfully,

A. H. GARLAND, *Attorney-General.*

Hon. J. G. CARLISLE,
Speaker House of Representatives.

OFFICE OF SECRETARY OF THE UNITED STATES SENATE,
Washington, January 31, 1889.

GENTLEMEN: In reply to your request, I readily certify as correct the statement you make in your bill before Congress claiming compensation for overtime or extra work done in the year 1883 as engineer and fireman, respectively, of the Department of Justice. I was chief clerk of the Department and superintendent of the building at the time and your work came under my immediate supervision.

Very respectfully, yours,

JAMES R. YOUNG,
Principal Executive Clerk.

Messrs. SAMUEL H. SENTENNE and PAUL BOILEAU.

DEPARTMENT OF JUSTICE,
Washington, January 31, 1889.

SIR: We, Samuel H. Sentenne and Paul Boileau, make the following statement in regard to extra duty performed by us during the remodeling of basement and placing it in a sanitary condition; also adjusting and regulating machinery in said basement.

The labor was performed during said period, under the supervision of the chief clerk and superintendent of the Department of Justice.

Samuel H. Sentenne, engineer: Number of extra days, two hundred and twelve, from January 6, 1883, to August 6, 1883, aggregating the sum of \$435.66, at \$2.05½ per three-quarter day.

Paul Boileau, fireman: Number of extra days, one hundred and twenty-three, from July 1, 1883, to November 1, 1883, aggregating the sum of \$246, at \$2 per day.

S. H. SENTENNE, *Engineer.*

PAUL BOILEAU, *Fireman.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.



ALLEY IN SQUARE 465.

APRIL 27, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. RICHARDSON, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany H. R. 9068.]

The Committee on the District of Columbia have considered the bill (H. R. 9068) to authorize the Commissioners of the District of Columbia to extinguish alley in square 465, and report same with recommendation that it do pass.

The reasons for passage of the bill appear in the letter of the Commissioners of the District of Columbia to Hon. J. W. Babcock, chairman of the Committee on the District of Columbia, of date March 25, 1898, which is printed below as a part of this report.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 25, 1898.

DEAR SIR: The Commissioners have the honor to recommend favorable action upon House bill 9068, to authorize the Commissioners of the District of Columbia to extinguish alley in square 465, which was referred to them at your instance for their examination and report.

The small alley adjacent to lots 85 and 86, square 465, being only a trifle over 3 feet wide and not a through alley, is entirely useless for public purposes. Its possession by the District is not only not an advantage to the District, but the possession of it is a positive disadvantage in that the District is obliged to maintain and be responsible for it, and it is a detriment to adjoining property.

This alley evidently was not one of the interior spaces laid out when the plan of the city was adopted, but is evidently one which has been dedicated to the District since; in which case the fee of the ground contained therein would not be in the United States, and the District would have only an easement and not the fee.

Under these circumstances the basis of compensation proposed by the bill appears to be just and reasonable.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners, District of Columbia.

Hon. J. W. BABCOCK,
Chairman Committee on the District of Columbia, House of Representatives.

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

1917-1918

ANNUAL REPORT OF THE
DEPARTMENT OF CHEMISTRY

FOR THE YEAR 1917-1918

REPORT

(BY THE DEPARTMENT)

The Department of Chemistry at the University of Chicago has been fortunate in having a most successful year. The work of the department has been carried on in a most efficient manner, and the results have been most satisfactory.

The department has been able to carry on its work in a most efficient manner, and the results have been most satisfactory. The work of the department has been carried on in a most efficient manner, and the results have been most satisfactory.

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MARGARET WILBER.

APRIL 27, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STURTEVANT, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 258.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 258) granting a pension to Margaret Wilber, have examined the same and the evidence relating thereto and respectfully report:

This bill as amended proposes to pension at the rate of \$8 per month Margaret Wilber, of Blair, Nebr.

Claimant is the mother of Thomas E. Brooks, Company I, One hundred and fortieth New York Volunteer Infantry. Soldier served from August 22, 1862, to December 27, 1862, when discharged on account of varicocele.

Her claim under act of June 27, 1890, was rejected March 4, 1892, on the ground of claimant's declared inability to show that soldier's death from paralysis was in any way due to his service.

She is shown to be dependent, very poor, over 70 years of age, and relies wholly on the charity of her neighbors. It is not wise to grant pensions in such cases as this, and nothing will justify action except the great age and poverty of the mother. The soldier served only four months, and it is not claimed that this service had anything to do with his death.

Recognition of this mother in her old age and poverty may encourage patriotism, but this must not be regarded as a precedent unless the facts make a case equally meritorious.

The bill is reported back with the recommendation that it pass when amended as follows:

In line 5 strike out the words "of Blair, Nebraska."

In line 7, after the word "pension," insert the words "at the rate."

In same line strike out the word "twenty-five" and insert in lieu thereof the word "eight."

From lines 7 and 8 strike out the words "from the passage of this act."

Amend the title so as to read: "A bill granting a pension to Margaret Wilber."

ANNA MERKEL.

APRIL 27, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. JENKINS, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 9856.]

The Committee on the District of Columbia, to whom was referred House bill 9856, have had the same under consideration and report the bill back to the House with the recommendation that it do pass.

The bill authorizes the Commissioners of the District of Columbia to refund and repay to Anna Merkel, or her legal representatives, the sum of \$77.27, being the residue of interest and penalties upon arrearages of general taxes paid by her on lot 300, in square 131, for the fiscal years 1892, 1893, and 1894. The Commissioners, under the law, are powerless to make the payment. There is not the slightest question but that the money should be paid.

The bill was submitted to the Commissioners of the District of Columbia, and they report as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 15, 1898.

DEAR SIR: The Commissioners have the honor to recommend favorable action upon H. R. 9856, for the relief of Anna Merkel, which was referred to them at your instance, on the 14th instant for their examination and report. The provisions of this bill are in accordance with the suggestions made by the Commissioners in their report of February 4, 1898, to your committee upon a bill having the same title.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Hon. J. W. BABCOCK,
Chairman Committee on the District of Columbia, House of Representatives.

MICHAEL MEEHAN.

APRIL 28, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. DRIGGS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 9593.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9593) granting an increase of pension to Michael Meehan, have considered the same and the evidence relating thereto and respectfully report:

This bill as amended proposes to increase from \$10 to \$30 per month the pension of Michael Meehan, of Binghamton, N. Y.

This soldier enlisted August 7, 1862, and served as private in Company A, One hundred and seventh New York Volunteer Infantry, to June 5, 1865, when he was honorably discharged.

He was pensioned under the general law from June 6, 1865, to July 16, 1884, at \$4 per month for disease of gums and skin, the results of scurvy contracted in the service and in line of duty. Applications for increase under the general law not having been acted upon, he filed an application for a pension under the act of June 27, 1890, alleging the same disabilities and also disabilities arising from the loss of the fingers of one hand by an accident occurring since the close of the war. He is now drawing a pension of \$10 per month under that act.

The soldier is now 65 years of age, totally disabled from the performance of any labor whatever, and is very poor. He has no one upon whom he can rely for support. It appears from the records and evidence, and is not disputed, that at Atlanta, Ga., about August 1, 1864, the soldier was confined to the hospital, suffering from scurvy, resulting in a rash or erysipelas sores, and which disease and disabilities were incurred in the service. He was sent to the hospital July 16, 1864, and returned to duty November 3, 1864. It is proved by an abundance of uncontroverted evidence that while the soldier at times somewhat improved, he did not recover, and that after a little he grew much worse and the disability has increased until the soldier is now a wreck.

It should be stated that the hospital records show that the soldier was treated for scurvy while in the hospital, so that there is no possible doubt that his disabilities, aside from the loss of fingers above referred

to, were incurred in the service and in line of duty. In fact, they have been so accepted. The proof shows that the soldier is and always has been a strictly temperate and moral man and that none of his disabilities are due to vicious habits. Dr. J. G. Orton, examining surgeon, states that "the evidences of scurvy are apparent," and he describes the evidences. Examining boards at Binghamton, N. Y., Norwich, N. Y., and another board at Binghamton, N. Y., at a later date, and still another board at Binghamton, N. Y., at a still later date, all agree that the soldier's disabilities are the result of scurvy and not due to vicious habits, and that there is no evidence of vicious habits. It appears that the soldier suffers and has for many years suffered from sciatica or rheumatism, also contracted in the service.

The board says:

General appearance unhealthy, muscles flabby, skin pale, tongue coated, disease of gums and skin, gums are shrunken away from teeth, five teeth are out and several are loose and blackened, body covered with numerous scars indicating results of scurvy, sciatica, or rheumatism; crepitis in right hip, both shoulders, both elbows and both kneejoints; tenderness over sciatic nerve of right side.

Other resulting conditions are described in detail. These statements of the boards of examining surgeons are fully sustained and borne out by the evidence of neighbors and friends of the soldier of the highest credibility, one of whom is the reporter of the supreme court in the sixth judicial district, State of New York, and all agree that the soldier is a good citizen, of temperate habits, and of good moral character. The examining board August 24, 1897, give a rating of \$24 per month, excluding the loss of the fingers of the right hand, and of \$32 per month including that disability.

The soldier is now suffering also from chronic catarrh of the bladder, enlargement of the prostate gland, and much of the time is unable to urinate without the use of a catheter. Heart action is also seriously affected and his lungs are diseased. These conditions may be the results of scurvy and rheumatism.

It is evident that the soldier is a physical wreck, old, and unable to earn anything in any way. Evidence of witnesses and the report of a board of medical examiners filed in August, 1897, show the above conditions, and action by the Bureau has been repeatedly asked. The evidence filed is abundant and conclusive. There is no pretense of any fraud or concealment or that the examining boards were in any way prejudiced.

The soldier requires frequent aid and attendance, but perhaps it would be too much to say that he requires the frequent and periodical aid and attendance of another person. He certainly suffers a disability of service origin that entitles him to a pension of \$30 per month, without adding anything for the disability arising from the loss of his fingers, a disability not incurred in the service.

In view of the long and faithful service of the soldier, the fact that the main disabilities were concededly incurred in the service, and that he is totally disabled, the bill is reported back with the recommendation that it pass when amended as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

EMER H. ALDRICH.

APRIL 28, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. RAY, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 9801.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9801) granting an increase of pension to Emer H. Aldrich, have examined the same and the evidence relating thereto and respectfully report:

This bill as amended proposes to increase from \$12 to \$30 per month the pension of Emer H. Aldrich, of East Pharsalia, N. Y.

Emer H. Aldrich, the claimant, enlisted August 8, 1862, in Company B, One hundred and fourteenth New York Volunteer Infantry, and was honorably discharged June 8, 1865.

He filed his application for pension under the general law January 15, 1885, alleging cold and fever resulting in disease of throat and respiratory organs. He was pensioned at \$4 per month from January 15, 1885, and was increased to \$8 from May 25, 1887; \$10 from July 3, 1889, and \$12 from June 4, 1890; and further increase was rejected March 15, 1892, October 25, 1895, and again in 1897.

The records show that the soldier contracted and was sick with ship fever on board the vessel *General Banks*, near New Orleans, and was taken from there to Brasher, and from there to New Orleans in 1863, and was treated in the University Hospital.

He recovered far enough to rejoin his regiment and perform faithful service until January 1, 1865, when he was exposed to a hard march and great exposure in a severe storm on the march from Camp Russell to Camp Sheridan in the Shenandoah Valley, when he took a severe cold, resulting in cough, fever, and disease of the throat, lungs, and heart, from which he has never recovered. This disability has constantly increased. The application was legally and medically approved for disease of respiratory organs and resulting disease of heart. The evidence is abundant and conclusive that the soldier is a man of good character, correct habits, and that none of his present disabilities are the result of vicious habits.

The disease has so far progressed with the soldier that he is now substantially totally helpless. He has an incessant cough, is much emaciated, and when he attempts to stand or walk is dizzy and falls over. His exposure to the storm January 1, 1865, and resulting diseases above specified are abundantly proved by the testimony of physicians, surgeons, and comrades.

The records show that the soldier was sick with remittent fever from October 2, 1863, to December 18, 1863. The continuance of the disease to the present time is proved by the evidence of examining boards, of comrades and neighbors, and the evidence of Dr. James J. Westcott, Dr. L. D. Greenleaf, and Dr. L. P. Blair. Dr. H. H. Beecher, who treated the soldier while in the service, and who was his regimental surgeon, was a member of the examining board in 1885 and certified to his condition at that time. In 1887 the soldier was examined by a board at Oneida, N. Y. In 1889 he was examined by another board composed of different surgeons at Norwich, N. Y. In 1890 he was again examined by other surgeons composing another board at Norwich, N. Y. In 1891 he was again examined by another board composed of different surgeons at Oneida, N. Y. In 1895 he was again examined at Norwich by another board composed of different surgeons.

His condition is thus described:

Very poorly nourished; disease of respiratory organs; dullness upon percussion apex of right lung; dry rales. * * * The heart has lesion; mitral regurgitant; the spine sensitive upon percussion in cervical region, and a complaining of hurt in neck and head, with whirling; standing with closed eyes produces staggering very much; lower part of spine from tenth dorsal all below markedly sensitive; patellar reflexes markedly exaggerated; there is sclerosis of spine; is unable to walk at all with closed eyes; pupils of eyes somewhat smaller than normal.

The condition of the soldier has grown worse constantly, and the boards all certify that there is no evidence of vicious habits. Dr. L. P. Blair says:

The physical and mental condition of the said Emer H. Aldrich have steadily continued to become worse by reason of disease of spinal cord and brain until he is now wholly unable to wait on himself in any way and requires the constant attendance of a nurse night and day, and his mental condition is such that he is scarcely able to talk coherently or to make any affidavit describing his condition.

The soldier is very poor; has no property or means of support, and has a wife dependent upon him. He is now 65 years of age and can live but a short time. It is evident that his present condition is the result of malarial fever and the colds and subsequent fever near the close of his service. If it could not be doubted that the soldier's present condition is the result of disease contracted in the service he would be entitled to a pension of \$72 per month, but as there may be some doubt of this an increase to \$30 per month is fully justified, and an increase to \$50 has been given in many cases where the evidence was much less convincing than here.

The bill is reported back with the recommendation that it pass when amended as follows:

In line 8 strike out the word "fifty" and insert in lieu thereof the word "thirty."

LOUIS HIRSCH.

APRIL 28, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 5402.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5402) granting an increase of pension to Louis Hirsch, have examined the same and the evidence relating thereto and most respectfully report:

This bill, as amended, proposes to increase from \$12 to \$24 per month the pension of Louis Hirsch, of New York City, N. Y., late private, Company K, Third New Jersey Volunteer Cavalry. This soldier also served as second lieutenant Seventy-ninth United States Colored Troops from March 7, 1863, to September 25, 1863, when mustered out on tender of resignation. He enlisted December 24, 1863, as private, Company K, Third New Jersey Cavalry. March 16, 1865, he was transferred to Company E, Twenty-first Veteran Reserve Corps, and was mustered out August 1, 1865. His service was long and honorable.

He was treated at various times while in service for right oblique inguinal hernia. He filed and established a claim under the general law for hernia, and was pensioned therefor at \$4 per month from discharge, \$6 from February 7, 1878, and \$8 from April 3, 1884, until August 9, 1890, when he was granted \$12 under the act of June 27, 1890, for right inguinal hernia (complete) and disease of nervous system.

March 31, 1893, he filed a claim for restoration to the rolls under the general law for hernia, and alleged, as new disabilities, disease of eyes (in service), resulting in loss of sight of left eye, and also disease of nervous system in service. The claim for disease of eyes and nervous system was rejected June 1, 1894, on the ground of "no record and claimant's declared inability to furnish necessary evidence to establish same." Claim for renewal under the general law was rejected by the medical branch of the office on the ground that claimant was not entitled to a rating for right inguinal hernia in excess of what he was then receiving under the act of June 27, 1890.

The certificate of claimant's examination at New York City May 3, 1893, shows the following:

There is a complete indirect scrotal hernia which passes completely through the external ring $6\frac{1}{2}$ inches in circumference and can be reduced and retained by a properly fitting truss; external ring is indurated; disability, ten-eighteenths. He is suffering from paralysis agitans of both upper and lower extremities. Locomotion is materially interfered with. Power of lifting and grasping is materially interfered with; disability, eight-eighteenths. There is no perception of light in left eye, result of a cataract. In the right eye vision is twenty-twentieths; disability, twelve-eighteenths. We fail to find any other existing disability.

Claimant was then 63 years and is now 68 years of age. He appears to be from all causes practically disabled for manual labor, but the only disability which is established as due to service is the hernia, for which alone, under the general law, he would be entitled to \$10 per month. He is therefore receiving \$2 per month more, under the act of June 27, 1890, than he would be entitled to receive under the general law for the hernia alone. He is shown to be dependent on his pension for his support.

The soldier served about two years, and participated in more than six hard fought battles. In his old age and poverty, suffering from hernia, blindness, and paralysis agitans, which he claims to be of service origin, he ought not to depend on \$12 per month alone.

A reasonable increase is justified, and the bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 5, after the word "roll," insert the words "and pay him a pension."

In line 6, strike out the word "thirty" and insert in lieu thereof the word "twenty-four."

Strike out all of line 7.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 10, 1898.

DEAR SIR: Referring to the case of Louis Hirsch, whose application for an increase of pension to \$30 is before your committee, I will state that he enlisted on March 7, 1863, and was honorably discharged on August 1, 1865. The man is in poor and indigent circumstances and has no friends to whom he could look for help; he is dependent upon the \$12 per month which he receives at the present time. His physical condition has prevented him from earning a livelihood for fifteen years, and a daughter is trying very hard to care for him. He can not even feed himself. He is a man whose habits have been good through life, and those who know him firmly believe that the foundation of his present condition was brought about during his active military life. He was in the battles of Port Hudson, La., the Wilderness, Spottsylvania Court-House, North Ann River, Cold Harbor, Winchester, and others. His is a meritorious case, and I specially ask for its favorable consideration.

Cordially, yours,

PHILIP B. LOW.

Hon. GEORGE W. RAY,

Chairman Committee on Invalid Pensions, House of Representatives.

On November 18, 1862, I enlisted in the Merchants' Brigade, New York Volunteers, and became a sergeant under Capt. Whittingham Cox, Company D, Third Regiment.

On March 7, 1863, I was promoted to be a second lieutenant in the United States Volunteers.

About six months thereafter I resigned my commission.

Shortly thereafter I reenlisted as a private in Company K, Third Regiment, New Jersey Volunteer Cavalry, and was from there transferred, on account of disability received while in service, to Company C, Twenty-first Regiment, Veteran Reserve Corps.

I was in the war doing actual service from the time I first enlisted until the close of the war, except during the short period between the time I resigned my commission as second lieutenant and reenlisted, as above stated.

I took part in 1863 in the battle of Fort Hudson, La., and in 1864 in the battles of the Wilderness, Spottsylvania Court-House, North Ann River, Cold Harbor, Winchester, and others.

I was honorably discharged on August 1, 1865.

I am a poor man, have no means of any kind, nor income, except the \$12 a month pension I receive.

My physical condition has prevented me from working and earning a livelihood for over fifteen years, and it is with difficulty that I can make my mark on this statement.

LOUIS (his x mark) HIRSCH.

QUARTERMASTER'S DEPARTMENT OF THE ARMY, ETC.

APRIL 28, 1898.—Ordered to be printed.

Mr. HULL, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 10121.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 10121) to suspend the operations of certain provisions of law relating to the Quartermaster's Department of the Army, and for other purposes, having had the same under consideration, beg to report the same back to the House with the recommendation that it do pass with the following amendment:

Insert after the word "suspend," in line 4, page 1, the following words: "in the discretion of the Secretary of War, during the existence of war with Spain, or."

Your committee herewith submit a letter from the Secretary of War inclosing a letter from the Quartermaster-General, and make the same a part of this report.

WAR DEPARTMENT, *Washington, April 25, 1898.*

SIR: I have the honor to transmit herewith a copy of a letter from the Quartermaster-General of the Army, recommending, in view of the immediate requirements of the Army and in order to supply it promptly during active hostilities, that legislation be provided by Congress to suspend until such time as hostilities shall cease the provisions of law applicable to the Quartermaster's Department as published in the annual appropriation acts for the support of the Army. As stated by the Quartermaster-General, the suspension or modification of the prohibitory and limiting provisions of the laws referred to is absolutely necessary to enable the Department to conduct its business under existing emergencies. Immediate and favorable consideration is recommended.

Very respectfully,

R. A. ALGER,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, April 22, 1898.

SIR: In view of the immediate requirements of the Army, and in order to supply it promptly during active hostilities, it is respectfully recommended that legislation be provided by Congress to suspend until such time as hostilities shall cease the pro-

visions of law applicable to the Quartermaster's Department, as published in the annual appropriation acts for the support of the Army, viz, requiring advertisement before purchasing supplies, animals, etc.; limiting the amount to be paid for the hire of civilian employees to \$1,000,000 annually, and that no employee of the Quartermaster's Department shall receive more than \$150 per month; forbidding that the number of cavalry and artillery horses shall exceed the number of enlisted men and Indian scouts in the mounted service; that no part of the appropriation shall be paid for horses not purchased by contract, after competition, duly invited, and inspected by the Quartermaster's Department; also limiting the number of draft animals to 5,000.

For the purchase and prompt delivery of supplies the requirements of the law now in force should be suspended or modified so as to permit purchases in open market.

The force of civilian employees must necessarily be largely increased, and in some instances, in order to secure certain classes of employees, such as masters of vessels, special agents, etc., whose services could not be secured for such amount of pay (\$150), it will be necessary to exceed that sum.

A reasonable reserve supply of cavalry and artillery horses should be kept on hand to supply losses as they occur, to keep up the efficiency of the cavalry and artillery arms of the service. To do this efficiently and promptly, the requirements of the law now in force should be suspended or so modified as to permit purchases in open market and an inspection by officers other than of the Quartermaster's Department properly designated by the Secretary of War.

The number of the draft animals must necessarily be increased, as the Army will, no doubt, be operating off lines of railroad, and in order to keep up its supply hauling by teams must be resorted to.

The suspension or modification of the prohibitory and limiting provisions of the laws referred to is absolutely necessary to enable the Department to conduct its business under existing emergencies, and immediate action by Congress is required to relieve this Department of the operations of said laws.

Very respectfully,

The SECRETARY OF WAR.

M. I. LUDINGTON,
Quartermaster-General, United States Army.

C

HERMAN DELLIT.

APRIL 28, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BROMWELL, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 2157.]

The Committee on Pensions, to whom was referred the bill (H. R. 2157) granting a pension to Herman Dellit, have considered the same and report:

The claimant was a private in Company G, Eighth United States Infantry, and served two terms of enlistment, covering the period from August 10, 1872, to August 9, 1882.

In an application for pension filed September 12, 1892, he alleged that while on duty in Arizona, Utah, and Nevada he incurred rheumatism, fever and ague, injury of left eye, and rupture.

The records of the War Department show that during his term of service he was treated for malarial fever, disease of eyes, and rheumatism, and his claim on account of those disabilities was approved by the board of review at the Pension Bureau, but the medical referee declined to fix a rating, declaring that a pensionable disability from those causes did not exist.

So much of the claim as relates to rupture was disallowed on the ground of no record, and claimant had stated his inability to furnish the required proof of origin in service and line of duty. There is, however, sufficient proof on file to warrant your committee in recommending a rating commensurate with the degree of disability existing as the result of the rupture.

The claimant declares that he incurred the rupture at Fort Halleck, Nev., in 1880, by a box of arms which he was unloading falling upon him. He swears, however, that he is unable to find any officer or enlisted man who is conversant with the facts, and hence can not satisfy the requirements of the Pension Office as to the origin of said disability. He does, however, furnish the testimony of two of his neighbors to show that he has complained of rupture, as well as of his other alleged ailments, ever since his discharge from the service.

The medical examinations show an inguinal hernia of right side, although the testimony of physicians who have treated him is to the effect that the rupture is really a double one. The hospital record shows treatment for venereal disease as well as for the other diseases referred to above as being matters of record, but the last board of examining surgeons state that they did not find in this examination any evidence of past or present vicious habits, and claimant denies that he ever had venereal disease.

In the judgment of your committee the service and disabilities shown in this case merit a small pension, and the passage of the bill is recommended.

A similar bill was favorably reported by your committee in the Fifty-fourth Congress, but failed to be reached on the Calendar for action.



PATRICK DUNPHY.

APRIL 28, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BELKNAP, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 9669.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 9669) to remove the charge of desertion from the military record of Patrick Dunphy, having considered the same, respectfully report:

Patrick Dunphy enlisted in Troop E, Fifth United States Cavalry, January 13, 1861; he was only 18 years of age; he was wounded in battle near Harrison's Landing, Virginia, July, 1862, and was sent to hospital; recovered, and returned to his regiment in 1863. Thereafter he was taken with a severe attack of fever; was sent to Carver Hospital, Washington, D. C.; remained there until September, 1863, when he was discharged by the medical officer in charge, and told to go home. He was both ill and ignorant of military requirements, and understood that his discharge was a discharge from the service of the United States, and acted accordingly. This statement is verified by Col. Edward H. Leib, at that time an officer in Dunphy's company, who says that claimant was an exceptionally brave man in battle, and thorough and tractable as a soldier in the ranks. Dunphy evidently supposed himself discharged from the fact that during his absence Dunphy always wrote to and received letters from his company during the period of his alleged desertion.

Mr. George W. E. Dorsey, when a Representative in Congress from Nebraska, filed a statement in which he said that Dunphy was a reliable and trustworthy man whose affidavit would be given credence in any court of justice, and that he believed the statements made by Mr. Dunphy to be true.

Your committee find that a favorable report was made in the Fiftieth and the Fifty-first Congresses on a similar bill for the relief of this same soldier, and recommend that the bill do pass with the following amendment:

After the word "sixty-three," in line 9, add the following:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

ALEXANDER MCKEE.

APRIL 28, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BELKNAP, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 6317.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 6317) to remove the charge of desertion existing against Alexander McKee, late a private in Company B, Fifty-ninth Indiana Volunteers, submit the following report:

This bill proposes to remove the charge of desertion of record against Alexander McKee, late a private in Company B, Fifty-ninth Indiana Volunteers. The soldier enlisted in said company August 28, 1861, at the age of 16 years. At the election of a second lieutenant he had a difference with First Lieutenant McDade, who was afterwards promoted to the captaincy of the company, who remained unfriendly to the soldier and frequently mistreated him. Said McKee went with his company as far as New Madrid, Mo., and went into the fight at that place and remained all day while sick and with a high fever. That night he was taken much worse and was so sick that he fainted. From that place he was given a furlough and returned to Evansville, Ind., from which place he returned to his company at Corinth and marched from Oxford, Miss., to Memphis, Tenn. He was sick and gave out on the march. The captain refused to let him ride, left him on the roadside, cursed him, and said he did not care if he died.

A colored man took him back to Memphis. He went home from there January 16, 1863, and was sick and under care of a doctor for two months. He remained until June, 1863, at which time he had sufficiently recovered his health to reenter the service. He then joined Company I, Sixteenth Illinois Cavalry Volunteers, under an assumed name, William H. McBride, his reason given for so doing being that his captain continually mistreated him, and he could not serve with any peace. He took the assumed name because he was afraid he would be detected and prosecuted. He remained with this company in the service until he was honorably mustered out in June, 1865. He received no bounty, except \$100, and no pay for a large part of his first service. His neighbors file the following statement in his behalf, signed by John D. Alexander, R. W. Miers, M. C., and 36 others.

BEDFORD, IND., March 12, 1898.

Hon. ROBERT W. MIERS,

Congressman Second Congressional District of Indiana, Washington, D. C.:

We, the undersigned ex-soldiers and citizens of Bedford, Lawrence County, Ind., hereby certify that Alexander C. McKee, late of Company B, Fifty-ninth Indiana Infantry Volunteers, and of Company I, Sixteenth Illinois Cavalry Volunteers, is a resident of Bedford, said county and State, and has been a bona fide resident of the city of Bedford, in said county and State, for five years last past, and that we are well acquainted with him and know that his reputation for honesty and for truth and veracity is good, and that he is honest and upright in all his dealings with his fellow-men, and that we do believe and would believe any statement he might make in reference to his army record or any other.

John D. Alexander, late captain of Company D, Ninety-seventh Indiana Volunteers; S. B. Lowe, attorney; Newton Crook, attorney; Fred. N. Fletcher, attorney; Samuel Wires, Company H, One-hundred and thirty-seventh Indiana Volunteer Infantry; Richard Fisher, Company G, Fourth Cavalry, Seventy-seventh Regiment; J. Frank Smith, deputy sheriff; W. H. West, trustee Shanswich Township; S. A. Snyder, Company K, Eighty-fourth Illinois Volunteer Infantry; John Malott, Company A, Sixty-seventh Indiana Volunteers; T. O. Daggy, treasurer Lawrence County; Geo. W. McDaniel, James McClelland, John M. Gainey, late Company D, Fourteenth Indiana Volunteers; Isaac N. Glover, cashier Stone City Bank; Isaac H. Crim, clerk Lawrence circuit court; A. C. Voris, president Citizens' Bank of Bedford; T. H. Anderson, jeweler; E. D. Mitchell, druggist; V. V. Williams, lieutenant-colonel One hundred and forty-fifth Indiana Infantry; William H. Hilton, W. M. Dobbins, C. M. Dobbins, hardware; John W. Acoam, Fourth Indiana Cavalry; Jno. D. Williams, William H. Martin, judge tenth circuit, Indiana; E. R. Dobbins, sheriff Lawrence County; Jno. L. Tilford, hardware and stoves; D. F. Tilford, hardware and stoves; J. R. Mathes, hardware; John C. McKinney, grocery; D. R. Bowden, late captain Company B, Eighteenth Indiana Infantry; Maurice Blackburn, Company A, Sixty-seventh Regiment Indiana Volunteers; Joseph Giles, attorney; R. N. Palmer, attorney; C. C. Matson, late colonel Sixth Indiana Cavalry; Alvarian Darnall, Company A, Sixty-seventh Regiment Indiana Volunteers.

I am personally well acquainted with Mr. Alexander McKee and fully join in and concur in the above statement.

R. W. MIERS,
Member Congress, Indiana.

Your committee believe that said soldier did not leave his service in Company B, Fifty-ninth Indiana Volunteers, with the purpose of deserting. When he recovered from the sickness he immediately went into the United States service in another regiment to get rid of the officer who had mistreated him. He stayed in the service and was a good and faithful soldier until he was honorably mustered out in June, 1865.

Your committee recommend that the bill be amended by adding the following:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

and when so amended that the bill do pass.

JAMES ROCHE.

APRIL 28, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BELKNAP, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 2412.]

The Committee on Military Affairs, having had under consideration the bill (H. R. 2412) to amend the military record of James Roche, recommend that it pass, with the following amendment:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

From the official records it appears that this soldier was enrolled August 25, 1862, at Buffalo, N. Y., as a private in Company K, One hundred and fifty-fifth New York Volunteers, to serve three years, and that he served faithfully with his company until May 18, 1864; that he was reported missing after that date, and was eventually dropped as "absent without leave since May 18, 1864—supposed deserted;" and that he never rejoined his command, which remained in service until July 15, 1865.

The soldier declares under oath that at the battle of Spottsylvania (May 18, 1864, coinciding with the date of his alleged desertion) some of his regimental officers were wounded, among them Lieut. Col. John Byrne, and that he was ordered to accompany them home to Buffalo, he understanding that the order constituted a regular detail, properly made out by the proper officer. He accompanied the wounded officers as directed, and while on the way, at New York City, he incurred an injury to his left thigh by the accidental discharge of a pistol which dropped to the sidewalk from the effects of Lieutenant-Colonel Byrne, of which he had charge. After his arrival at Buffalo, thus disabled, he remained with a sister until August, when word was communicated to him from Lieutenant-Colonel Byrne to follow Byrne, who had just left for the South, to rejoin his regiment, via Washington, D. C.

All these particulars are exactly corroborated by Lieutenant-Colonel Byrne in an affidavit made at Buffalo of date September 8, 1894, covering the circumstances of Roche's informal detail and subsequent movements until August, 1864. Roche testifies further that he at once

obeyed and started for Washington, but on his arrival in Washington failed to make connection with his lieutenant-colonel, as expected, who had pushed on to the front. Thereupon Roche, according to his own affidavit, boarded a steamboat at Washington, on the eve of its departure down the Potomac, and, with from 100 to 200 other soldiers and officers who were likewise returning to the front, he journeyed down the Potomac and up the York River, landing at or near White House, Va., on the Pamunkey River. In the middle of the night the party, while asleep in their improvised camp in the woods, were surprised by a body of Confederate cavalry and captured; and he, together with others in the party, was sent to Andersonville Prison, Ga., and there confined until March 22 or 23, when he was sent to Jackson, Miss., and released. Thence, ill and weak from his confinement, he made his way to Cairo, Ill., and finally to Iroquois County, where he remained until about 1887. Then he removed to Kankakee, Ill., where he now resides.

He alleges that at the time of his release he was utterly unable to rejoin his command, and declares that he never dreamed that a charge of desertion had been entered against him on the rolls, and inasmuch as the war was then over he conceived of no reason why he should have communicated further with his command. He further declares that he was in ignorance of the charge until about the year 1888 or 1889.

Several prisoners of war at Andersonville testify that Roche was in fact a prisoner there, as he alleges, although his name does not appear upon the prison records. His neighbors and employers bear testimony to his good character, truthfulness, and honor; and several witnesses testify to the fact of having heard him relate, shortly after the war and years before he learned of the charge of desertion against him, his experiences while at Andersonville, and express their belief in the perfect truthfulness of his narrative.

The committee therefore recommend the enactment of this legislation for his relief, believing that the circumstances of the case fully justify the same, and that the weight of imperfect prison records and the unavoidable informalities of details, at variance with strict technical requirements, should not be suffered to militate against it.

INVESTIGATION OF LEPROSY.

APRIL 28, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 5431.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 5431) for the investigation of leprosy, have carefully considered the same.

The importance of the proposed legislation is shown by communications from the Supervising Surgeon-General of the Marine-Hospital Service. On January 13, 1898, in a communication with reference to the proposed measure, he stated:

With regard to authorizing the Surgeon-General of the Marine-Hospital Service to cause an investigation to be made relative to the origin and prevalence of leprosy in the United States, I have to state that in view of the fact that leprosy is known to exist in quite a number of places in this country there is a prevailing opinion among the sanitary authorities that there are many more of these cases than have been recorded. Moreover, there has been a confusion of ideas about the danger of its spread. In one locality the disease is reported to be slowly spreading, and each year there are noted fresh foci of the disease, while, on the other hand, the reported isolated cases are a subject of discussion as to whether they are a menace.

So far there has been no systematic inquiry made with regard to the origin and prevalence of the disease in the United States. Some valuable reports have been made of the prevalence and behavior of this disease in one or two localities. Further than this the information is imperfect and fragmentary.

That the disease is contagious no one at present will deny. The International Leprosy Conference, which met in Berlin in October last, declared that the disease is not only contagious, but when introduced into a country the history shows that it invariably spreads, each case forming a nidus of infection, and sooner or later other cases followed. This fact has been recognized by a few of the State and local authorities where there have been a considerable number of cases, and restrictive measures are now enforced to prevent its further spread. In many places from which isolated cases have been reported no such measures have been generally practiced. The Marine-Hospital Service has been notified of the existence of such cases and has been requested to assume charge of them, and when it was ascertained that there was no law for such procedure these cases have been turned adrift to go wherever they pleased.

In this connection I would state that it is believed that there are many more cases of leprosy in the United States than are actually known. Recent investigation and study of the disease have demonstrated that there are quite a number of obscure

forms of nervous and skin diseases heretofore considered as separate and distinct which are nothing more or less than leprosy.

Before any rational measures can be undertaken by the National Government, if such a conclusion is justifiable, it will be necessary to inquire further into the origin and prevalence of the disease, and to determine just how far it is a menace to our people.

The expenses of such an inquiry would be small; a sum sufficient to meet the expenses of travel of the officers detailed to this duty would be all that is required. This could be properly paid from the fund for the prevention of epidemic diseases.

The bill meets with approval, and I would respectfully recommend that favorable action be taken thereon.

The Surgeon-General further states, in a communication on April 16, 1898, as follows:

It would be impossible to determine accurately the number of cases of leprosy in the United States, unless it be by a systematic and thorough investigation. From reports received from health officers and other sources, it is known to exist in the States of Washington, California, Texas, Louisiana, Florida, South Carolina, Minnesota, the Dakotas, New York, Pennsylvania, and Illinois. The reports concerning the prevalence of this disease in the above-mentioned States are fragmentary at the best. No accurate information is on file in any of the Departments with regard to the exact number of cases in the United States.

It is believed that if a careful investigation were undertaken many more cases would be found than are supposed to exist. It is believed that the investigation can not be completed before December 1 next, as many parts of the United States have to be visited by the officers detailed for this purpose, and can not be done by obtaining reports from the health officers of the several States or municipalities.

Your committee recommend an amendment by striking out the word "upon," in line 7, and inserting "on or before December first next," and with this amendment recommend that the bill do pass.

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MRS. LUCINDA BOOTH.

APRIL 28, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STALLINGS, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 2694.]

The Committee on Pensions, to whom was referred the bill (H. R. 2694) increasing the pension of Mrs. Lucinda Booth, have considered the same and respectfully report as follows:

The claimant is the widow of Wiley Booth, late a private in Captain Huckaby's company Georgia Volunteers, war of 1812, in which organization he served from November 21, 1814, to March 8, 1815.

Mrs. Booth is now a pensioner at \$12 per month. She married the soldier June 4, 1846, and he died August 21, 1872.

The papers accompanying the bill show that Mrs. Booth is about 85 years old, nearly blind, and entirely dependent upon her pension for support. The facts are shown by numerous signed petitions from citizens of Monroe and Pike counties, Ga.

In the light of the foregoing, the passage of the bill is respectfully recommended with the following amendments:

Change the title so as to read: "A bill to increase the pension of Mrs. Lucinda Booth."

In line 6 strike out the word "thirty" and insert in lieu thereof the word "twenty."

ABNER ABERCROMBIE.

APRIL 28, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. LOUDENSLAGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 692.]

The Committee on Pensions, to whom was referred the bill (S. 692) granting a pension to Abner Abercrombie, have considered the same and report:

The bill is accompanied by Senate report No. 280, from which the following facts are taken:

The muster roll of Capt. M. T. Ashurst's company of Alabama Volunteers reports the claimant enrolled May 11, 1836, at Mount Meigs, and discharged June 7, 1836, at Montgomery, Ala. The records show further that the company was ordered into the service by Governor C. C. Clay, and marched from Montgomery May 11, and were on duty in the Creek Nation until June 7, 1836, when they returned to Montgomery and were discharged. Mr. Abercrombie filed an application at the Pension Office under the Indian war act of July 27, 1892, but the same was rejected on the ground that his service was two days short of the time required by that act.

There seems, however, to be some question as to the correctness of this action, in the light of the fact that the twenty-eight days expired while he was still in the Creek Nation, and it was not until after that that he was discharged at Montgomery, Ala.

The testimony of W. A. Worsham and W. C. Cleveland, citizens of Monroe County, Ga., shows that the claimant is about 78 years old, in feeble health, and entirely unable to do anything by which to earn a support for himself and his aged wife.

The passage of the bill is respectfully recommended, with the following amendments:

In line 7, strike out "Asheot's" and substitute thereof the word "Ashhurst's."

In line 8, strike out "thirty-eight" and insert in lieu thereof the word "thirty-six."

GEORGE W. PALMER.

APRIL 28, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. LOUDENSLAGER, from the Committee on Pensions, submitted the following

REPORT.

[To accompany S. 125.]

The Committee on Pensions, to whom was referred the bill (S. 125) granting an increase of pension to George W. Palmer, have considered the same and report:

The bill is accompanied by Senate Report No. 252, this session, and the following facts are quoted therefrom:

The War Department records show that the claimant, George W. Palmer, enlisted on the 21st day of April, 1847, at Auburn, N. Y., and was assigned to Company B, Tenth Regiment United States Infantry, for service in the Mexican war, and was mustered out on account of the expiration of term of service August 14, 1848, serving over sixteen months, much of which time was spent in Mexico during the war with that country.

The claimant was granted a pension of \$8 per month under the Mexican war service pension act of January 29, 1887, which was subsequently increased to \$12 per month under the act of January 5, 1893, on the ground that the claimant was wholly disabled for the performance of manual labor, and was in such destitute circumstances that \$8 per month was insufficient to supply him with the necessities of life.

It is shown by medical evidence on file in this case, including the report of the examining surgeon to the Pension Bureau, that the claimant has an immense right inguinal hernia, twice the size of a large navel orange, which protrudes through the external ring, and which can not be retained by any truss; also that he has general chronic rheumatism; that he is wholly incapacitated for manual labor, and that his disabilities are equivalent to the loss of a foot. It is also shown by competent evidence that the claimant has no property and no income of any kind except his pension.

The claimant is now about 70 years old. Your committee recommend the passage of the bill with an amendment striking out the word "twenty-four," in line 7, and substituting therefor the word "twenty," so as to fix the rating at \$20 per month.

WILLIAM HENRY WOODWARD.

APRIL 28, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BELKNAP, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 3297.]

The Committee on Military Affairs, having had under consideration the bill (H. R. 3297) entitled "A bill to remove the charge of desertion from the military record of William Henry Woodward," report the same back to the House with the recommendation that it do pass, with the following amendment:

Line 8, after the word "discharge," add:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

It appears from the records of the War Department that this soldier was enrolled and mustered into service November 10, 1862, as a private in Battery L, Fourth United States Artillery, to serve balance of term of volunteer service; was discharged on February 2, 1864, by reenlistment, reenlisted in same battery on February 3, 1864; and he is reported as deserting December 4, 1865, and never having returned to his command.

The statement of the soldier, corroborated by the evidence of a number of reputable citizens who knew him prior to enlistment and after he had returned from the Army, shows that along in the fall of 1865, while his battery was stationed at Richmond, Va., said Woodward was in bad condition physically, caused by being overheated while working in Richmond Arsenal. On account of his sickness he received a furlough and went to his home.

At the expiration of his furlough he was still ill, and obtained an extension of his furlough for thirty days through the proper channel. At the expiration of this furlough he returned to his command, which was soon ordered to Fort Delaware. His ill health continuing, his sergeant permitted him to leave for home and passed him through the lines to Wilmington, in company with himself.

The soldier returned to his home, and the evidence of his brothers, sisters, parents, and neighbors shows that he was very ill for a long

time, requiring medical attendance, so that he was never again fit for military duty. The physicians who attended him during his sickness are both dead, but your committee have been furnished with a large amount of evidence, under oath, showing that the soldier was physically incapacitated for further military service.

Inasmuch as Woodward served in the Army for considerably over three years and until long after the war had closed, and as there is nothing of record to show that he intended to shirk his duty or willfully desert his command, but that, on the contrary, he was prevented from completing the term of his second enlistment by reason of disabilities contracted in the service and in line of duty, which have made him practically a physical wreck and unable to perform but little manual labor, and as his reputation as a citizen is excellent, your committee recommend that this bill, which will relieve him of the stigma resting on his name, be passed as amended.

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BRIDGE ACROSS MISSOURI RIVER AT ST. CHARLES, MO.

APRIL 29, 1898.—Referred to the House Calendar and ordered to be printed.

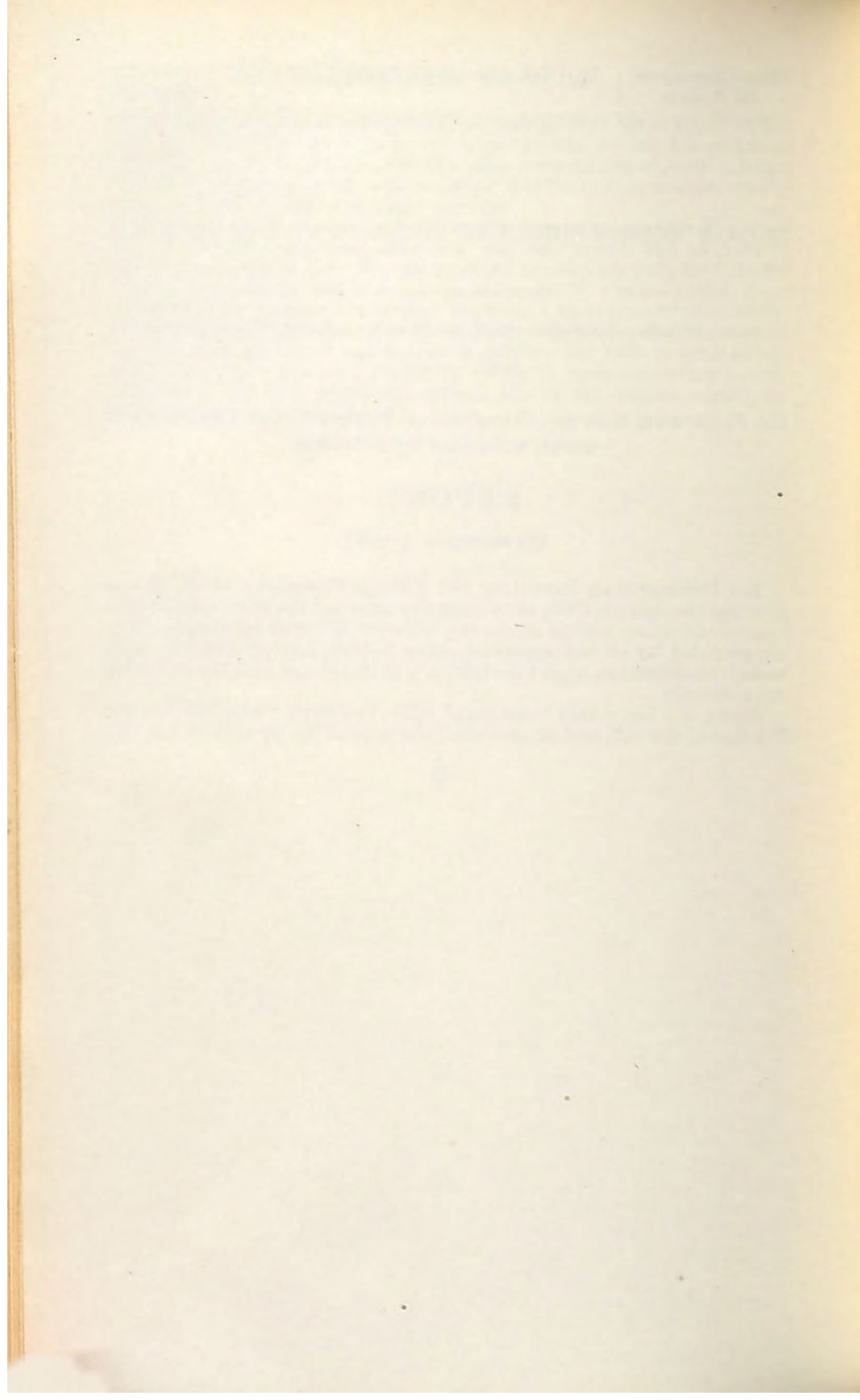
Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 4206.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 4206) extending the time for the construction of a wagon and motor bridge across the Missouri River at St. Charles, Mo., as provided by an act approved June 3, 1896, having had the same under consideration, report the bill back to the House with the following amendment:

Strike out the words "and two" after the word "hundred," in the 9th line of the bill, and as amended recommend the passage of the bill.



ESTATE OF GEORGE W. LAWRENCE.

APRIL 28, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MAHON, from the Committee on War Claims, submitted the following

REPORT.

[To accompany S. 2324.]

The Committee on War Claims, to whom was referred the bill (S. 2324) for the relief of the estate of George W. Lawrence, submit the following report:

The report of Mr. Warren, made to the Senate first session Fifty-fifth Congress, is so full and conclusive that your committee have adopted it as a fair statement of the grounds for relief.

Your committee recommend the passage of the bill.

[Senate Report No. 372, Fifty-fifth Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 2324) for the relief of the estate of George W. Lawrence, have had the same under consideration, and respectfully report:

Your committee adopt the following report of the House Committee on War Claims (No. 1346, Fifty-first Congress, first session) as a part of this report, and recommend the passage of the bill:

[House Report No. 1346, Fifty-first Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1566) for the relief of the administratrix of the estate of George W. Lawrence, report as follows:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the present Congress, No. 452, a copy of which is hereto appended for information. Your committee adopt the said report as their own, and report back the bill and recommend its passage.

Your committee find that this bill has been favorably reported by seven Committees on War Claims on the part of the House and three of a like committee on the part of the Senate within the past twenty years; that the bill has passed the House three times, passed the Senate three times; and we adopt, in the main, the report made by the Senate and House Committees on War Claims in the Forty-ninth and Fiftieth Congresses, and Senate committee of the Fiftieth Congress, which is as follows:

“In the winter and spring of 1863 the Navy Department prepared plans and drawings for several light-draught steam ironclad monitors, with specifications showing the dimensions, kind, and thickness of the plating, and submitted the same to various contractors for proposals for construction.

“The time required in the construction was a material element in the contract, and none were made for a period longer than eight months. Some of the contracts were limited to six months. So material was the matter of time considered that in the contracts made for six months the contractors were to receive \$395,000, while those whose contracts extended to eight months for completion were only to receive \$386,000, or at the rate of \$4,500 per month less; but there was a provision in all contracts then made that if the vessels were completed in less time than provided in the contract the contractor was to receive an additional pay of \$4,500 per month, and if the completion was delayed beyond the period named the Government was to deduct from the contract price at the same rate—that is, \$4,500 per month. McKay & Aldus were contractors for the building of the light-draught monitor *Squando*, to be completed in six months, the Department first satisfying itself of their facilities for doing the work in that time.

“Donald McKay was contractor, and built the light-draught monitor *Nausett*, also

the iron double-ender *Ashuelot*. The *Squando* and *Nausett* were identical in the original plans, and in the changes and alterations thereon, with the *Etlah* and *Shiloh*, built in St. Louis.

"Having accepted the undertaking to build these vessels, the several parties named made their arrangements accordingly, having the yards, machinery, etc., necessary therefor, and entered into contracts for the necessary materials, based upon the contracts with the Government, and commenced the work on the several vessels named. About this time, Chief Engineer of the Navy Stimers having returned from Charleston, where he had been sent to make observations as to the conduct of Ericsson's monitors in battle, a consultation was had at the Navy Department, in which (quoting from Stimer's evidence)—

"The matter was discussed as to whether we had better build our vessels in strict accordance with the letter of the contracts which we were giving out, without any change whatever, or had better take advantage of every such light and make improvements as we went along, although we fully appreciated that it would delay their completion and add to their cost. Assistant Secretary Fox made the remark that he thought following this course would probably entail an extra cost of a million of dollars for each battle where the monitors were engaged.

"Well, it was decided that that course should be followed. The contracts for the light-draught monitors, of which the *Etlah* was one, had already been drawn, specifications, general drawings, etc., of the original plans, but we went immediately to work to make changes on them in accordance with what I have already explained as the policy to be pursued. You will understand, therefore, why it was that I should send constant instruction to Mr. McCord directing him to make his vessel different from what he had contracted to do; why I sent him drawings that differed from those specified in the contract. You will find, too, that these might be very material, as they certainly were. The acts, therefore, which I performed, which affected Mr. McCord and affect this case, were to direct him to make a different vessel from the one he contracted to do.'

"Acting upon this theory, the Department commenced forwarding to the contractors orders for changes and drawings before even the keel was laid, and those changes which in the aggregate affected all parts of the vessel, making in the end almost entirely different vessels, were continued, and the drawings furnished therefor for nearly a year and a half after the time specified in the contract for their completion had elapsed, and from the 23d of June, 1864, for about the period of three months, work was suspended altogether upon these vessels, by the orders of the Navy Department, which had then in contemplation some general changes in their construction which required time to perfect. All of this time, however, the contractors were under heavy expenses for the maintenance of the yards and men, whom they dared not discharge for fear of inability to supply their places, and not knowing on what day their services would be required.

"In addition to all this, the prices of labor and materials required for the work, and for which the contractors had made provision during the time of the contracts, rapidly advanced, so that, as found by the Committee on War Claims of the first session of the Forty-third Congress, iron that at the date of the contracts was worth \$65 per ton advanced during the prolonged time to \$220 per ton, and labor from \$2.50 per day to \$4 per day.

"This committee have not, however, considered it necessary to investigate the details as to amounts or percentage of such increase of prices, but are convinced that the cost of the work was greatly enhanced by reason of the delay caused by the course adopted by the Government in these changes and alterations from the original plans.

"Chief Engineer Stimers, in his evidence in McCord's case, states the case as understood by him and presumably by the Department, which had no authority to adjust claims for damages, as follows:

"Before expressing an opinion on the matter as an expert, I must explain that the principles upon which the contractors of this and the contractors of similar vessels were to be paid were settled upon before I left the office, and I have always understood that these principles were adhered to, and they were as follows: That we should pay for the contract work by making the contract payments, or the payments provided for in the contract; that we should pay for alterations and changes a proper sum as might be agreed upon between the Government and the contractors at current rates. Now, that being the case, I consider that the Government is still indebted to the contractors of the *Etlah*, because, although the original contract work has been paid for as originally agreed upon, and the extra work may have been paid for *per se*, the fact of calling upon the contractor to make the changes on his vessel, and his compliance with those demands, delayed him in the execution of the original contract work. This delay compelled him to pay the increased rates for labor and material which obtained at the time when the work was actually performed; and although the contractor took the risk of a rise in prices when he signed his contract, it was only for a risk during the period of his contract, or the period he would have required to perform the work if the Government had not delayed him by their direct

interference; now, whatever increase there was in the cost of the original work contemplated by the contract, due to the delay caused by the Government, that increase is now due, as there has been no pretense on the part of the officers of the Government to have paid it. If you will determine the increased cost of material and labor of the original contract work during the extent of time when the contract was delayed by an interference of the Government to execute it, you will have, in my judgment, the indebtedness of the Government. There may be very large claims on account of extra work of which I know nothing.'

"There seems to be no question that but for the interference of the Government these vessels would have been completed within the time specified in the contract; that these contractors had the means and the ability to do so, and that the heavy losses sustained by reason of the interference of the Government could not have been prevented by any reasonable prudence or foresight on their part, as the labor could not be anticipated, nor could they possibly know, from the frequent changes being made, the kind, quantity, or, in the case of the iron plating, the thickness or size of the plates to be used. The question of the duty of the Government to relieve the contractors for the building of these vessels has been repeatedly recognized by Congress. (Slone, Report No. 17, Thirty-ninth Congress, second session; Senator Nye, Report No. 45, Thirty-ninth Congress, first session; Senator Drake, Report No. 163, Forty-first Congress, second session; Senator Nye, Report No. 37, Forty-second Congress, second session; A. B. Smith, Report No. 36, Forty-second Congress, third session; Senator Cragin, Report No. 124, Forty-third Congress, first session; Senator Hoar, Report No. 14, Forty-seventh Congress, first session.)

"Congresses reported favorably on those bills, recommending the claimants such relief as they desired. Several of them have passed both Houses of Congress.

"In 1865 a board was appointed under a resolution of the Senate, called the Selfridge board, which examined and reported upon numerous vessels. Their awards were not paid, but their discussion led to the passage of the act of March 2, 1867, directing the Secretary of the Navy to investigate the claims of all contractors for building vessels of iron, etc., and to ascertain the additional cost incurred by them by reason of any changes and alterations there, with the proviso:

"'But no allowance for any advance in the price of labor or material shall be considered, unless such advance occurred during the prolonged time for completing the work made necessary by the delay resulting from the action of the Government aforesaid, and then only when such advance could not have been avoided by the exercise of ordinary prudence and diligence on the part of the contractor.' (14 Stat., 424.)

"The Secretary of the Navy delegated the matter thus submitted to a board, of which J. B. Marchand was chairman, and called the Marchand board. This board, perhaps for economic reasons, decided to confine their examination to the question of extra work, holding that the question of increased cost by reason of the delays caused by Government was one sounding in damages, and therefore beyond the jurisdiction of the Department, and not included within the act.

"Claims were filed by these contractors, but reported as 'not considered within the province of the board' (report contained in vol. 10, Congressional Record, p. 1504), nor were the claimants permitted to appear before the board on behalf of their claims.

"In the Forty-first Congress, second session, a joint resolution was passed by Congress referring these cases to the Court of Claims, but failed to receive the sanction of the President on the ground that the bill as passed omitted the proviso contained in the act of March 2, 1867, and above quoted, since which time various reports have been made, and favorable action had by one branch of Congress or the other, but no general bill for the relief of these and other contractors has become a law.

"A majority of the contractors for the building of this class of vessels have, from time to time, received relief through Congress, but these claimants have thus far received no relief. Among those who have been relieved are George C. Bestor, contractor of the *Shiloh*, by act of Congress (17 Stat., 733, 1873) appropriating \$125,000; Miles Greenwood (17 Stat., 764); S. S. Marchen, jr. (18 Stat., 635); Donohue, Ryan & Co. (15 Stat., 353); C. W. Whitney (17 Stat., 071). Under act of 25th June, 1864 (13 Stat., 409), Ericsson was allowed \$1,070,438.93 for such increased cost.

"These contractors also claim that they have not received full pay for the extras furnished by them in the construction of the said vessels, aside from the main question of increased cost by reason of the delays. The facts concerning this branch of the case are as follows:

"The frequent changes and alterations ordered by the Department on these vessels, and which, under the contracts, the Government had a right to demand by paying the extra expense caused thereby, occasioned a large amount of extra work, some of which was specifically agreed upon, and part of which was done under the orders of the Department without any agreed price. This extra work was recognized as being within the jurisdiction of the Department to pay, and the Department did pay a large portion of said extras, but did not pay all that the parties were entitled to receive. The accounts were made up in the Department without consultation with the claimants, and payments made from time to time until the last and

final payment, when a voucher containing the words, 'For work done which is extra to the contract, being the full and final payment on all extras, and in full for all claims and demands for that work,' was presented, and which was required to be and was receipted by the claimant upon receiving the amounts specified in the vouchers.

"This committee are satisfied, from the evidence before it, that the account for such extra work was not correctly adjusted; and inasmuch as the said receipts are prima facie evidence not only of payment in full for such extras per se, but may be construed to cover the question of the extra expense caused by the delays as well, therefore deem it just to all parties that the entire matter should be considered by a legal tribunal, with competent jurisdiction to hear and determine the question involved, and in considering such receipt to treat the same as prima facie evidence, but susceptible of explanation by proofs, if any they have, showing the real indebtedness of the Government to them for such increased cost of such vessels beyond the contract price, and beyond the accounts paid by reason of such changes and alterations as evidently contemplated in the previous acts of Congress providing for an adjustment thereof, upon the principle that when the Government has by its acts caused its citizens performing labor for it to incur additional expense in its performance, such additional cost should be borne by the Government."

In addition to that report your committee would further observe:

The claimants have been assiduous for twenty-three years in their efforts to obtain redress for their alleged grievances. This great lapse of time has been due not to any want of energy on their part, nor to any rejection by either House of Congress, but solely to the delay incident to the procurement of private legislation. They have never had a hearing, in the ordinary sense of the word, before any tribunal, and the present bill for their relief is to permit them to appear before the judicial branch of the Government, where their witnesses may be cross-examined by the attorneys for the United States, the credibility of their witnesses tested, and the evidence relied upon by the defense be subjected to similar tests. There they will have an opportunity to explain their failure or refusal to appear before the Selfridge board, and your committee think the Court of Claims can be relied upon to give due weight to this failure or refusal; and if it should appear that the board convened too soon after the Department expressed its satisfaction with the vessels (which was a *sine qua non* to consideration of the claims), to permit proper preparation of the claims the failure to appear before the board may disappear from the case.

The Marchand board, which sat in 1867, was directed by the Secretary of the Navy to inquire into and report facts, and an examination of the act of March, 1867, shows a clear intention not to submit the claims to him in such a way as to make his conclusions binding either upon the Government or the claimants.

No one has ever attempted to recover in the Court of Claims on the conclusions of the board, and it has never been pretended on either side that its decisions had the force either of judgments or awards. Congress has not considered itself under moral obligations to pay the sums found due, nor has it refrained from paying claims rejected by it.

The nature of its work may really be determined when we find by its report that during a session of four months and twenty days it passed upon the separate accounts of 40 contractors, embracing 55 different vessels, the construction of most of which had extended over the whole period during which the rise of prices changed from day to day, and very naturally the contractors have always been dissatisfied with results reached by such a forum and in so hasty a manner.

The facts which Congress desired to obtain the board did not report. The act required it (14 Stat., 424) "to report to Congress a tabular statement of each case which shall contain * * * the whole increased cost of the work over the contract price."

The board did not enter upon so elaborate and extended an inquiry, but substituted in its tabular report a column (No. 4) entitled, "Whole increased cost of the work over and above the contract price as claimed by the contractors."

The next statement required by the act was: "And the amount of such increased cost caused by the delay and action of the Government aforesaid." Not having ascertained the whole increased cost of the work over the contract price it was of course unable to state "the amount of such increased cost caused by the delay and action of the Government as aforesaid," and it substituted therefor a column (No. 5) entitled: "Amount of such increased cost caused by the delay and action of the Government as determined by the board to be due."

These two requirements of the statute were neglected by the board and other findings substituted.

The act of March 2, 1867 (14 Stat. L., 424), required the Secretary of the Navy to ascertain "the additional cost which was necessarily incurred by each contractor in the completion of his work by reason of any changes or alterations in the plans and

specifications required, and delays in the prosecution of the work occasioned by the Government which were not provided for in the original contract."

The contract for the *Wassuc* contained the same provisions for alterations and additions as those considered by the Supreme Court of the United States in the case of *Choteau v. The United States* (95 U. S., 61), and the Marchand board might well find that nothing was due the claimants under the submission of the statute, for the changes and alterations complained of were undoubtedly provided for by the original contract. The inquiry which this bill proposes differs from the examination of the Marchand board in that respect; it recognizes that the alterations were provided for, and that claimants, like Choteau, could not recover for the enhanced cost resulting from such alterations. The issue which the bill proposes to submit has never been examined by any tribunal. The Supreme Court in the Choteau Case did not and could not pass upon any equities in the case. Equitable jurisdiction was not conferred upon the Court of Claims until March 3, 1887 (sec. 1, 24 Stat. L., 505). Your committee appends hereto a letter from Chief Engineer B. F. Isherwood, of January 26, 1887, which explains fully the causes of the increased cost to the claimants.

In addition to the safeguards as they now exist in the Court of Claims for the prevention of fraud against the United States, and the detection of misstatements or mistakes, other precautions have been adopted in the bill itself which seem to your committee sufficient to prevent any wrong or injustice being done to the United States.

Your committee are unanimously of the opinion that the claimants should not be concluded by the voucher and final receipt in question unless it should appear in equity that they should be, and that the claimants should have their rights adjudicated upon the merits of their claim.

Wherefore your committee report the bill favorably and recommend that it do pass.

WASHINGTON, D. C., *January 26, 1887.*

DEAR SIR: I have the pleasure of acknowledging the receipt of your communication of the 22d instant, asking me to inform you of the causes of the alterations and changes in the plans of the light-draught monitors constructed during the war for the Navy Department, and the causes of the delays in their construction, and whether these delays caused extra expense to the contractors?

In reply I would refer to the report on this subject made by the Hon. B. F. Wade, chairman of the Committee on the Conduct of the War, United States Senate, volume 3. From this report you will find that although I was, as you state in your note above referred to, the chief of the Bureau of Steam Engineering in the Navy Department during the war, I had nothing to do whatever with either the designing or the execution of the work for these monitors.

The Navy Department had established what was in effect a bureau for this purpose in New York City, and had placed Mr. Alfon C. Stimers at its head, with a large corps of assistant engineers, draughtsmen, etc. The whole work, hulls and machinery, was entirely in his hands. He was absolutely untrammelled, being allowed *carte blanche* by the Department, and his acts and plans were never submitted to any other person.

The selection of Mr. Stimers by the Navy Department for this duty was most unfortunate. The selection was wholly the act of Mr. G. V. Fox, then the Assistant Secretary of the Navy, who had unbounded but misplaced confidence in Mr. Stimer's abilities. In making the appointment Mr. Fox did not consult either of the mechanical bureaus of the Navy Department, nor was Mr. Stimers's plans ever submitted to them. The result, as is well known, was a most disastrous failure due to the absolute and astonishing incapacity of Mr. Stimers, and to the fact of his selection by Mr. Fox without inquiry of the mechanical bureaus as to Mr. Stimers's qualifications. In a professional matter of which Mr. Fox had no knowledge, such a selection without careful investigation of Mr. Stimers's abilities, was an act of temerity which in a measure made the Navy Department a party to the cause of failure.

At the commencement, then, Mr. Fox was responsible for a most injudicious selection for a most important position, and Mr. Stimers was responsible for the absurd blunders he committed, and as both represented the Government, the latter was to that extent justly responsible for their acts. Under this system twenty vessels were built, all of which (they were exact duplicates) proved absolute failures, their only value being their worth as old material. The cost to the Government was about \$8,000,000, and there was, in my opinion, a considerable loss borne by the contractors chargeable to the action of the Government and not yet compensated.

The contracts were taken at a round sum for a certain amount of work to be done in a certain time conformably to drawings and specifications to be furnished by Mr. Stimers. The responsibilities of the contractors were limited to the quality of the

materials and workmanship, and to the completion of the vessels in the specified time. They were not at all concerned in the final success or failure of the vessels.

From the first the plans were continually changed and important modifications introduced, all in the direction of more expensive work and materials, and requiring longer time for execution. This increased length of time involved greatly increased cost of the work of the contractors, owing the daily and rapidly increasing rise, at that date, in the cost of materials and labor. The war was then at its height, and the Government was in the market for the whole mechanical resources of the country, which were not able to meet the demand upon them, and, as a result, the price of certain materials and labor used in the construction of ships and machinery rose abnormally high above even the general increase of price. The loss due to this cause was of necessity borne by the contractors, and has never in any of the settlements made been taken into consideration. Had the plans and specifications been delivered to the contractors at the date of the contract, so that they could have then made their purchases of materials, and had there been no changes in these plans and specifications, so that the work could have been prosecuted uninterruptedly to completion without the great delays unavoidable to such changes and alterations, it could have been executed in the contract time, and the contractors would have saved to themselves the rise in the price of materials and labor which took place during the extended time.

There must be here recalled that for the great extension of time in the completion of these contracts the Government alone was responsible by the changes, alterations, and additions it made to the work after the contracts were executed. This extension of time reacted upon the cost of the work as a whole, and though the Government paid a certain sum for additional work, that sum was inadequate to cover the losses of the contractors by the rise in the cost of materials and labor used in the construction of the work done according to the original contract, and which was prolonged in consequence of the alterations and additions.

All that the Government paid for was the price of additional work at current rates, but the work as a whole could only progress together; that which was in accordance with the original contract had to wait until the additions and alterations could be completed, and in the meantime the cost of materials and labor was rising rapidly and enormously. These delays, which no efforts of the contractors could prevent and which were caused exclusively by the action of the Government, were ruinous to the contractors by reason of the continual rise of prices; materials and labor became every day scarcer and scarcer; the shops and plant of the contractors were occupied by the vessels that they could neither abandon nor complete. They could not therefore take other and remunerative work, and they had to keep a full force of workmen, for if they once lost them they could not, at that time, be recovered, so great was the demand.

Some approximation may be furnished of the losses sustained by the contractors from the action of the Government in departing from the original plans and specifications by additions and alterations involving great increase of time, by estimating the cost to the contractors of the original work had it been done in contract time, which would have been the case but for the interference of the Government, and the cost of the same work done in the extended time caused by the action of the Government taking as the basis the average price of materials and labor in the two cases.

The additions and alterations referred to were due to the incapacity of Mr. Stimers to properly design such vessels. Without knowledge of how to proceed, he was constantly vacillating, doing and undoing; completed work was destroyed and other work substituted; time was lost between the notification to the contractors that other plans would be prepared in place of those already furnished and the reception of such plans. In fact, the character of the vessels was essentially changed during their construction from the original programme; great delays were consequently necessarily experienced, and as the price of materials and labor was continually increasing, due to the continually increasing demand for the same caused by the war, the cost of executing the work which was done according to the original contract was much increased at the expense of the contractors.

Respectfully,

B. F. ISHERWOOD.

Hon. BENJAMIN BUTTERWORTH.

I certify the above is a true copy.
[SEAL.]

WM. H. DAVIS,
Notary Public for New Jersey.

That Congress has in the past comprehended the injustice of permitting these contractors and others similarly situated to bear the immense losses they suffered under the circumstances stated has been

made apparent in various proceedings had at different times since the close of the war, sometimes by one House acting separately and independently, sometimes by the joint action of both Houses—notably in the former case the action of the Senate of March 9, 1865, which led to the organization of the Selfridge board, and of the latter by the act of March 2, 1867, which resulted in the organization and report of the Marchand board, to say nothing of the various special acts of Congress and numerous reports submitted from the committees of the respective Houses from time to time. Among the latter reference might be properly made to the following: Report of Senator Nye, Senate Report No. 45, second session Twenty-ninth Congress; Senate Report No. 37, second session Forty-second Congress; Representative Stone's report, No. 17, second session Thirty-ninth Congress.

A bill to pay these claimants directly the amount of their claims, as reported by the Selfridge board, passed the House of Representatives unanimously in the third session of the Forty-seventh Congress. Various special acts have been passed covering similar cases, some of them included in the report of the Selfridge board, to wit:

One of the awards has been paid by joint resolution of March 30, 1867 (15 Stat. L., 353), by which Donahue, Ryan & Secor were paid \$179,000 for losses sustained by them in constructing the *Comanche*. Amount allowed by the board, \$179,993.80.

In addition the following special acts have been passed to relieve contractors in similar cases, to wit:

Act of February 18, 1873, to relieve the heirs of George C. Bestor, \$125,000. (17 Stat. L., 733.)

Act of June 1, 1872, to pay Charles W. Whitney \$50,000. (17 Stat. L., 671.)

Act of June 10, 1872, to pay J. S. Underhill \$23,310.75. (17 Stat. L., 691.)

Act of March 2, 1875, to pay Daniel S. Mershon, jr., \$46,715.08. (18 Stat. L., 635.)

The contractors for building the Dome of the Capitol were awarded and paid \$96,000 for increase in the price of labor and material during its construction. The Government prolonged the time of its completion. (See Senate Report No. 132, first session Thirty-ninth Congress.)

John Ericsson was paid \$1,070,438.93 on the *Puritan* (U. S. Stat. L., June 25, 1864, vol. 13, 409) for increased cost of labor and materials.

Miles Greenwood, of Cincinnati, Ohio, was paid \$76,000 for increased cost of labor and material in building the United States vessel *Tippecanoe*, in 1873.

NOTE.—In the Forty-first Congress, second session, a joint resolution was passed by Congress, referring claims of certain naval contractors to the Court of Claims, and was vetoed by the President on the ground that it was a departure from the basis fixed by the act of March 2, 1867.

The Fifty-first Congress referred a number of these claims to the Court of Claims for adjudication, among the number the claims of the executors of Donald McKay, deceased, and Snowden & Mason. The court awarded McKay \$115,157; and to John N. Snowden, surviving partner as the firm of Snowden & Mason, \$118,327.26; to Edward P. Bliss, executor of Donald McKay, deceased, \$101,529.73, and S. E. E. Perine, administratrix of William Perine, deceased, \$127,077.

INDEBTEDNESS OF ALBUQUERQUE, N. MEX.

APRIL 28, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. KNOX, from the Committee on the Territories, submitted the following

REPORT.

[To accompany H. R. 8694.]

The Committee on the Territories, to whom was referred House bill No. 8694, having had the same under consideration beg leave to report the same, with amendments, back to the House and recommend its passage as amended.

The facts are set out in a memorial of the city government of the city of Albuquerque, N. Mex., as follows:

To the honorable the Senate and House of Representatives of the United States:

We, your petitioners, the mayor and city council of the city of Albuquerque, humbly praying, respectfully represent:

1. That the said city of Albuquerque, in the county of Bernalillo and Territory of New Mexico, has indebtedness outstanding evidenced by coupon bonds of the said city as follows, to wit:

Funding bonds of 1888.....	\$12, 500
Funding bonds of 1890.....	15, 000
Sewer bonds of 1890.....	50, 000
Funding bonds of 1892.....	12, 000

2. That it has indebtedness outstanding and unfunded, evidenced by the warrants of said city, at this date, to wit, the 11th day of December, 1897, the sum of \$65,000.

3. That the assessed valuation of all the property within such corporation, ascertained by the last assessment for Territorial, county, and city taxes, is \$2,202,330.

4. That the said unfunded indebtedness of the said city mentioned in paragraph 2 was incurred for work actually done for and materials supplied to said city in the necessary administration of its government.

5. That under and by virtue of the provisions of an act of the legislative assembly of this Territory, commonly known as "The Bateman Act," all floating indebtedness was required to be funded in interest-bearing bonds of the said city, and current expenses to be afterwards limited to the actual current income, thereby placing the administration of municipalities, counties, and subdivisions of the Territory upon a cash basis.

6. That the city of Albuquerque has been unable to issue coupon bonds of the said city to fund said floating indebtedness because of the fact that the bonded and floating indebtedness of said city together exceed the 4 per cent limit fixed by the act of Congress, entitled "An act to prohibit the passage of local or special laws in the Territories of the United States, to limit Territorial indebtedness, and for other purposes," approved July 30, 1886, and to effectually carry out the provisions of said "Bateman Act."

7. That the said city being about to proceed to carry into effect the provisions and directions of said "Bateman Act," was enjoined by decree of the district court from taking the necessary steps for the funding of said floating indebtedness and thereby complying with said Territorial law.

Wherefore, we, the mayor and city council of the city of Albuquerque, lawfully assembled, respectfully memorialize and petition the honorable the Senate and House of Representatives of the United States for the passage of an act authorizing the funding of all said floating indebtedness in bonds of the said city, to bear interest, as provided by said act of the legislative assembly of the Territory of New Mexico, and to declare said bonds valid obligations of the said city of Albuquerque.

And your petitioners will ever pray, etc.

It was moved by Alderman Marron that the foregoing memorial and petition be adopted, which motion having been seconded by Alderman M. S. Tierney, and a vote having been taken thereon, resulted as follows:

Ayes: Aldermen Montfort, Cummings, Homer, Johnston, Tierney, Marron, Otero, and Lombardo.

Nays: None.

I, John S. Trimble, city clerk of the city of Albuquerque, do hereby certify that the above and foregoing is a true, correct, and complete copy and transcript of a part of the record of the proceedings had at a meeting of the city council of the said city of Albuquerque, held on the 11th day of December, 1897, as the same appears from the records in my said office.

In witness whereof I have hereunto set my hand and affixed the seal of the said city at my office in the said city of Albuquerque, this 11th day of December, 1897.

JOHN S. TRIMBLE,
City Clerk of the City of Albuquerque, N. Mex.

It further appears to the committee that the apparent causes of the indebtedness above the 4 per cent limit results largely, if not entirely, from a shrinkage in the value of assessed property in the said city.

Your committee feel, in view of all the facts, that the terms mentioned in such bill should be granted, but the committee recommend the following amendment: At end of section 1, in line 18, page 2, insert the following:

Provided, That the bonds issued by virtue of this act shall be issued only for the purpose of funding the warrants of said city outstanding on the first day of January, eighteen hundred and ninety-eight. Such bonds shall not be disposed of for less than their par value, and shall not bear a greater rate of interest than six per centum per annum.

JEREMIAH HACKETT.

APRIL 29, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SULLOWAY, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 2267.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2267) granting an increase of pension to Jeremiah Hackett, have examined the same and the evidence relating thereto and respectfully report:

This bill, as amended, proposes to increase from \$12 to \$30 per month the pension of Jeremiah Hackett, of Dover, N. H.

This soldier enlisted as a private in Company C, Fourth Regiment Massachusetts Heavy Artillery Volunteers, on the 1st day of August, 1864, and was honorably discharged on the 17th day of June, 1865.

He is pensioned under the act of June 27, 1890, at \$12 per month. He appears to be now 74 years of age. He has no family and lives with a married daughter at Dover, N. H. He has another married daughter.

He alleges that he suffers from rheumatism and difficult breathing, and he files the affidavit of Dr. Levi G. Hill, sworn to April 10, 1897, which states that he has attended Hackett as his family physician for several years, and that the soldier—

is now completely broken down and almost helpless; that he has great difficulty of breathing, weak, irregular action of heart, perspires easily, can not take much exercise, does not eat or sleep well; in fact, no function of the body is performed normally.

He also states that Mr. Hackett—

is a man of correct habits, has always borne a good character, but has exhausted his pecuniary means and is in much need of aid from the Government, to which he appeals in hope of relief.

He also says—

that for more than ten years has not been able to care for himself, but has had attendants look after him constantly.

The records show that the soldier was sent to St. Johns Hospital while in the service April 7, 1865, and that he returned to duty April 26, 1865.

Dr. George R. Smith states under oath that he is suffering from emphysema, with an irritation of the bronchial tubes. He has had at

times an inflammation of the pleura, which causes the most intense suffering. He also says that there is no chance for his improvement. The evidence shows that Hackett was an overseer in a cotton factory before he entered the service.

His family physician at that time says that he had not heard of his being sick before he entered the service, and further states that he has frequently treated the soldier since he returned from the Army. He says—

he not only can not do any work, but can not sit up all day or dress or undress himself, but is assisted in dressing or undressing.

The soldier states that he was sick with malarial fever when he was in the hospital. The evidence shows lung and bronchial troubles since the soldier left the service, and that these troubles have increased. There is no evidence of any particular exposure in the service, but the evidence tends strongly to show that the soldier contracted his bronchial and lung trouble in the service. As he did not recover therefrom it has of course increased with age. The medical records do show that when in the hospital he suffered from hemicrania, which is pain in one side of the head. There is no record of any other disability in the service.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 4, after the word "roll," insert the words "subject to the provisions and limitations of the pension laws."

In line 5, after the word "Hackett," insert the word "late."

In line 6, after the word "pension," insert the words "at the rate."

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."

In line 7 strike out the word "that" and insert in lieu thereof the words "the pension."



ROBERT FLETCHER.

APRIL 29, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MIERS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 4001.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4001) granting an increase of pension to Robert Fletcher, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from \$12 to \$24 the pension of Robert Fletcher, of Otranto, Iowa, who was late a private in Company A, First Michigan Volunteer Sharpshooters, and who served from November 29, 1862, to May 24, 1865, when he was honorably discharged.

Records show soldier wounded May 10, 1864, at Spottsylvania. He was treated for gunshot wound left leg, and also for debility. He also received a gunshot flesh wound at battle of Southside Railroad, Virginia, October 9 to 28, 1864, and was treated in hospital for gunshot wound right eye. Also slight ulceration of the left cornea, caused by a fragment of a percussion cap, and was treated at Satterlee General Hospital, Philadelphia, Pa., February 9, 1865, with traumatic pterygium.

He filed a claim in the Pension Office, and was pensioned for gunshot wound of left leg and injury to right eye, with resulting disease of left eye, at \$6 per month from date of discharge to March 15, 1882; \$8 to June 4, 1886, when pension of left eye as result was dropped, after a special examination, on the ground that it existed prior to enlistment, and the rate was reduced to \$6 from that date. He was increased to \$10 from May 7, 1890, and from September 11, 1890, he was pensioned at \$12 under the act of June 27, 1890, for gunshot wound left leg, injury to right eye, affection of left eye, and rheumatism. That pension he is now receiving.

A claim for renewal and increase under the general law, filed September 13, 1892, was rejected April 23, 1894, on the ground that it would be of no benefit, as he would not be entitled to any higher rate under the general law than that received at present.

Certificate of examination at Mason City, Iowa, February 7, 1894, shows that—

There is a cicatrix of superficial nature over inner condyle of tibia of left leg; another 1 inch long by one-half inch in width over ligamentum patella. The course of ball through condyle and ligament and portion of the ligamentum patella has been

destroyed, and, also, there has been extensive loss of bone of upper third of tibia. There is lameness and impaired mobility of movements and pain in walking. There is a small cicatrix near the cornea of eye on bridge of nose, which is in no way disabling. There is a chronic state of inflammation of the conjunctiva of both eyes, which is very much thickened. Can see to read Snellen's type No. 4 with right eye at 9 feet. Can only distinguish light with left eye. From above-stated disabilities he is entitled, in our opinion, to a rate equivalent to the loss of one hand or foot.

The reason claimant does not get a higher rate of pension under the general law through the Pension Office is that it is held there that the loss of sight of left eye, which seems to be almost total, is not due to service, but results from causes which existed prior to his enlistment.

It is quite clear that this soldier is almost blind from causes of service origin. In any event, he is nearly blind from causes not due to vicious habits, and he is a needy old soldier. His long, arduous, and faithful service commend him to our favorable consideration, and believing that he is entitled under the general law to a pension of \$24 per month, the bill is reported back with the recommendation that it pass when amended as follows:

In line 3, after the word "and," insert the word "he."

In lines 4 and 5 strike out the words "of the United States," and insert in lieu thereof the words "subject to the provisions and limitations of the pension laws."

In line 6, after the word "Sharpshooters," insert "and pay him a pension."

At the end of line 7 add the words "in lieu of the pension he is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Robert Fletcher."



MARY M. WALRATH.

APRIL 25, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BARBER, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 6714.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6714) granting an increase of pension to Mary M. Walrath, have examined the same and the evidence relating thereto and respectfully report:

This bill as amended proposes to increase from \$8 to \$24 per month the pension of Mary M. Walrath, of Syracuse, N. Y., the widow of Ezra L. Walrath, who served as colonel of the Twelfth New York Infantry from May 2 to September 25, 1861, and as captain, major, and lieutenant-colonel One hundred and fifteenth New York Volunteers from August 18, 1862, to June 17, 1865. The records show that he was wounded in left side by shell at Malvern Hill August 16, 1864, and that he was treated in hospital for that wound and also for dysentery.

Soldier filed and established a claim for pension on account of shell wound of left side and was pensioned therefor at \$12.50 (one-half total of rank as major) from discharge, and at \$18.75 (three fourths total of rank) from June 9, 1880, until his death, which occurred June 26, 1894, as shown by an abstract from the public records, as result of "asthenia, congestion of lungs from an old injury of side, embolism, and aphasia."

Medical evidence on file tends to corroborate the record and to show that the injury to side was at least a factor in producing death.

Evidence filed with this committee shows that the claimant is in very feeble health, having double inguinal hernia, indigestion, malassimilation, and bronchitis, and is in fact almost a total wreck physically; that her mind is unbalanced and weak, and that she requires constant and unremitting care, being totally disabled in both body and mind. Also that she has no property except a home in which she and her daughter live, and no income or means of support except her pension of \$8 per month. In her physical and mental condition it is necessary for her daughter to be with her constantly to care for her, and in consequence of that she is unable to earn anything for their support.

Claimant was married to the soldier May 2, 1848, and is about 70 years of age. A bill was favorably reported from this committee in the Fifty-fourth Congress to give this claimant \$25 per month.

Since it appears from the evidence that the claimant is mentally unsound, it is advisable to provide for the payment of the pension to a guardian or committee.

It is evident that the widow is entitled to a pension of \$24 per month, as your committee is satisfied the soldier's death resulted from his army service, and that is the total of his rank at the time the disability was incurred.

The bill is reported back with the recommendation that it pass when amended as follows:

In lines 4 and 5, strike out the words "of the United States."

In line 8, strike out "thirty" and insert in lieu thereof "twenty-four."

In lines 9 and 10, strike out the words "from and after the passage of this act such pension to be."

At the end of line 10 add the words "same to be paid to the duly appointed committee of her person and estate."

Amend the title so it will read: "A bill granting an increase of pension to Mary M. Walrath."

STATE OF NEW YORK, *County of Onondaga*, ss:

In the matter of the pension claim of the widow of Ezra L. Walrath, major One hundred and fifteenth New York Volunteers.

On this 18th day of December, A. D. 1896, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Caius A. Weaver, aged 52 years, a resident of Syracuse, in the county of Onondaga and State of New York, whose post-office address is 206 Bastable Block, Syracuse, N. Y., well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to aforesaid case as follows:

He was personally acquainted with said Ezra L. Walrath during his life, and had known him well and intimately for twenty-five years prior to his death. Since his death said deponent has been the legal adviser of said Mary M. Walrath and her daughter, Jenney E. Walrath, who lives at home with said Mary M. Walrath; that deponent has a full and intimate knowledge of the financial condition of said Mary M. Walrath, and also knows from appearance the mental and physical condition of said Mary M. Walrath; that said Mary M. Walrath has no personal property except a small amount of household furniture, and she has no income from any source except a pension of \$8 per month, granted to her under the act of Congress of June 27, 1890, and there is no person who is legally bound for her support. She owns and is possessed of a small house and lot, situate on Pine street, in the city of Syracuse, worth, in the opinion of deponent, not to exceed \$1,200, where she and her daughter reside.

Her daughter is unmarried. Said Mary M. Walrath does not own any other property. That said Mary M. Walrath is a woman past 67 years old, and she is in poor health and unable to earn anything by her daily labor. She is also unbalanced mentally, very morose and gloomy, and her daughter is obliged to remain with and care for her. All the income there is to support her and her daughter and pay the taxes on the home is said pension of \$8 per month. That deponent states the above facts from personal intimate knowledge obtained from observation and examination of the affairs of said Mary M. Walrath; and this statement and affidavit is in deponent's own hand and made by him without prompting or dictation from anyone.

He further declares that he has no interest in said case and is not concerned in its prosecution.

CAIUS A. WEAVER.

STATE OF NEW YORK, *County of Onondaga*, ss:

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, including the words "seven" and "she," added, and acquainted him with its contents before he executed the same. I further certify that I am in nowise acquainted with said case, nor am I concerned in its prosecution; and said affiant is personally known to me, and that he is a credible person.

[SEAL.]

WILLIAM J. ANDERSON,
Notary Public.

STATE OF NEW YORK, *County of Onondaga, ss:*

In the matter of Mary M. Walrath, widow of Ezra L. Walrath, of the One hundred and fifteenth Regiment of New York Volunteers.

Personally appeared before the undersigned, duly authorized to administer oaths within and for said county, Dr. Jerome H. Coe, aged 53 years, whose post-office is Syracuse, county of Onondaga, State of New York, who, being duly sworn, states in relation to said matter as follows, to wit: That he is a practicing physician, and that he was acquainted with said soldier for about fifteen years prior to his death; he knows the said widow, Mary M. Walrath, and has attended her at various times during the past two years in a professional capacity. He deposes that she is in very feeble health, suffering from a variety of ailments, having double inguinal hernia, indigestion, malassimilation, bronchitis, etc. She is very thin in flesh, extremely haggard in appearance, and an almost total physical wreck. Besides being physically unable to care for herself, her mind is unbalanced and weak. At times the condition of her mind can only be described by the term insane. She requires constant, unremitting care, being totally disabled in both body and mind.

And affiant further states that he has no interest in this claim.

JEROME H. COE, M. D.

Sworn to and subscribed before me on the 2d day of December, 1896; and I hereby certify that the contents of this affidavit were fully made known to the affiant before signing, and I have no interest in this claim or its prosecution.

[SEAL.]

GEORGE B. WARNER,
Notary Public, Onondaga County, N. Y.

O

MARY A. CAULFIELD.

APRIL 29, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SULLOWAY, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 1045.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 1045) granting a pension to Mary A. Caulfield, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension, at \$8 per month, Mary A. Caulfield, of Worcester, Mass., the widow of Thomas Caulfield, who served in Company C, Fifteenth Massachusetts Infantry, from July 12, 1861, to about February 24, 1864, when it seems that he deserted. He enlisted January 18, 1864, under the name of Thomas McDonaugh, in the Twenty-second Independent Battery Massachusetts Light Artillery, in violation of the twenty-second (now fiftieth) article of war.

He was wounded during his second service in the right thigh at Sabine Cross Roads, La., in April, 1864, and entered Marine Hospital, New Orleans, La., June 18, 1864, with gunshot flesh wound of right thigh; was furloughed July 10, 1864, readmitted September 19, 1864, and returned to duty September 26, 1864.

The soldier filed and established a claim for gunshot wound right thigh, and was pensioned therefor at \$4 per month from June 20, 1884 (date of filing), until September 1, 1890, when he was allowed a pension of \$8 per month under the act of June 27, 1890, for gunshot wound right thigh, injury right foot, rheumatism, and disease of heart.

February 7, 1891, soldier filed a claim for additional pension on account of rheumatism and kidney disease. He died August 3, 1895, and his claim for additional pension was still pending. He drew pension up to the last quarterly payment before his death.

September 21, 1895, the widow filed a claim under the act of June 27, 1890, but it was rejected May 26, 1896, on the ground that soldier was a deserter from such prior service, and is so borne upon the rolls of the War Department. June 25, 1896, the pending claim of the soldier for additional disabilities, which the widow was completing, was rejected on the same ground, and at the same time the widow was denied the accrued pension from the date of last payment to soldier to the date of his death, on the same ground.

Claimant was married to the soldier August 13, 1855, and is now 61 years of age. Soldier committed suicide, and there is no pretense that

his death was in any way due to his military service, hence the widow could have no possible claim for pension under the general law.

As to her claim under the act of June 27, 1890, the act in question provides that where the soldier served ninety days in the war of the rebellion and was honorably discharged, etc., his widow shall be entitled to pension. This soldier so served and was honorably discharged.

It is not believed that desertion from a prior service should be held a bar to her claim in this case.

Evidence has been produced showing that the widow is in needy circumstances.

The bill is therefore reported back with the recommendation that it pass, when amended as follows:

In line 4, before the word "directed," insert the words "authorized and."

In line 4 strike out the word "statutes" and insert the word "provisions" in lieu thereof.

At the end of line 7 add the words "and pay her a pension at the rate of eight dollars per month."

STATE OF MASSACHUSETTS, *County of Worcester*, ss:

In the matter of Mary A. Caulfield, widow of Thomas Caulfield, alias Thomas McDonough, late of Second Massachusetts Light Battery.

Personally came before me, a notary public in and for the aforesaid county and State, Mary A. Caulfield, claimant, aged — years, citizen of the town of Clinton, county of Worcester, State of Massachusetts, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

I have no property except as follows: Small house on Clark street, Clinton, Mass., worth not over \$1,000, and is mortgaged for \$650. A little household furniture. The money I received from my husband's insurance has been expended as follows:

Funeral expenses of husband	\$125.00
Debts of husband	900.00
Taxes and insurance	90.00
Husband's grocery and provision bills	246.00
Children's tuition at school	156.00
Bills paid in 1897	104.00
Medical attendance	142.00
Labor in family	104.00
Interest on mortgage	116.00
Sewerage assessments	160.00
Coal	87.50
Family expenses, two years	580.00
Wearing apparel, self and children	300.00
Milk bill	54.00
Children's clothing	45.00
Lot in cemetery, putting same in order, and curbing	531.00
Miscellaneous expenses	250.00

All the money is spent. I owe bills now to the amount of \$200.

I am ill and at the hospital. Have been unable to do any labor since my husband died.

MARY A. CAULFIELD.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, and acquainted her with its contents before she executed the same. I further certify that said affiant is personally known to me; that she is a credible person and so reputed in the community in which she resides.

Witness my hand and official seal this 25th day of April, 1898.

[SEAL.]

JONATHAN SMITH, *Notary Public*.

WILLIAM J. WILLIAMS.

APRIL 29, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CASTLE, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 3722.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 3722) granting a pension to William J. Williams, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension at \$8 per month William J. Williams, of Dover, Del. (care Joseph McDaniel).

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3722) granting a pension to William J. Williams, have examined the same and report:

The claimant enlisted in Company G, Sixth Delaware Volunteer Infantry, on November 15, 1862, and was honorably discharged August 23, 1863.

The soldier sustained a fracture of his left forearm while in the line of duty at Back River, Maryland, by being forced to jump from a railroad bridge by an approaching train—he at the time being detailed to carry the mails to and from the camp to the post-office.

While there was no one who witnessed the fracture, and no evidence on file to prove the fracture above named did occur as alleged, yet there is evidence that the soldier at once thereafter reported at camp with his arm fractured and that he then stated how it occurred, which was as above stated.

The report of the board of medical examiners shows the fracture of the left forearm, hernia, and rheumatism. The application or claim of the soldier was rejected by the Pension Bureau on the ground that the records of the service of the claimant do not disclose that the fracture of the left forearm occurred in the line of duty in service.

Your committee think that the affidavits on file in this case are sufficient to warrant the conclusion that the fracture aforesaid occurred while the soldier was in the service and in the line of duty, and recommend the passage of the bill with the following amendments, viz:

Strike out "First," in line 6, and insert in lieu thereof "Sixth."

Strike out "twenty," in line 8, and insert in lieu thereof "eight."

The bill is therefore reported back with the recommendation that it pass, when amended as follows:

In line 7, after the word "pension," insert the words "at the rate."

PAUL CARR.

APRIL 29, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BARBER, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 1539.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1539) granting an increase of pension to Paul Carr, have considered the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from \$12 to \$30 per month the pension of Paul Carr, now in an insane asylum at Warm Springs, Mont.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1539) granting a pension to Paul Carr, have examined the same and report:

The claimant in this case enlisted on the U. S. S. *Princeton* July 30, 1864, as a landsman; was transferred to the *New Ironsides* August 24, 1864, and served on the latter until March 31, 1865, and was discharged from the *Princeton* May 21, 1865. Claimant is now insane, and is confined, as a dangerous subject, in the State Insane Asylum of the State of Montana, and this pension is asked on the ground of insanity caused by injuries to his head received from the concussion of heavy gun firing at the attack on Fort Fisher in December, 1864.

It has been found impossible to comply with the requirements of the Pension Office that there shall be furnished testimony of two comrades showing that he was injured at the time claimed, but the testimony of Michael Bishop, a messmate of claimant, is now on file, showing that he was injured at the time claimed by the discharge of a heavy gun, the muzzle of which was in close proximity to his head, the concussion of which deafened him entirely and caused blood to flow from his eyes, nose, ears, and mouth, and that he repeatedly complained of the deafness and pains in his head afterwards while in the service and at the times said Bishop saw him after discharge.

Bishop also testifies that at the time of the discharge of the gun Carr told him that he felt as though something had given way or snapped in his head. Two others who were in the fight at Fort Fisher on the same boat, while not giving any direct evidence as to injuries received by claimant in the battle, state that they and many others were very deaf for some days after the battle, and these affiants both state that they have been seriously affected ever since from the results of concussion from heavy firing. The testimony of witnesses for or with whom claimant had worked shows that for many years he complained of dizziness, pain, and ringing in the head, and that he became of a very morose and brooding disposition. There is also testimony on file showing that the claimant suffered from gatherings in his head and ears, and that he finally became afflicted with intense spells of melancholy, which resulted in dangerous and hopeless insanity.

Claimant's wife has died since insanity supervened, and there are five children dependent, none of whom are of age, and four of whom are under 16.

The claimant has no estate, and the children are wholly dependent on their maternal grandfather, who is a poor man. Claimant is now pensioned for insanity under the act of June 27, 1890, at the highest rating allowable under that act, and your committee respectfully recommend the passage of this bill with an amendment.

Amend by striking out "seventy-two," in line 8, and inserting in lieu thereof the word "thirty."

It is probable that the soldier's present condition is the result of his army service. Congressional action is fully warranted.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 7 strike out the word "to."

Strike out from lines 8 and 9 the following: "from and after the passage of this act," and insert in lieu thereof the following: "in lieu of the pension he is now receiving, the same to be paid to his duly appointed guardian."

Amend the title so as to read: "An act granting an increase of pension to Paul Carr."

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ELLEN STACK.

APRIL 29, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. DRIGGS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 4200.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4200) granting an increase of pension to Ellen Stack, have examined the same and the evidence relating thereto and respectfully report:

This bill as amended proposes to increase from \$8 to \$15 per month the pension of Ellen Stack, of the city of New York, the widow of James Stack, late second lieutenant Company E, One hundred and sixty-second New York Volunteer Infantry. Soldier enlisted September 3, 1862, and was honorably discharged December 19, 1864, on account of disability—gunshot wound. The records show that he was wounded in action April 23, 1864. He was treated in hospital for gunshot wound right thigh, fracture, April 23 to May 2; also treated in hospital for remittent fever.

He filed and established a claim under the general law for gunshot wound right thigh and resulting total disability of right leg, and was pensioned therefor at \$15 from December 20, 1864; \$20 from June 6, 1866; \$24 from June 4, 1872; \$30 from March 3, 1883, and \$36 from August 4, 1886. He died June 30, 1896.

The widow filed claims July 25, 1896, under the general law and act of June 27, 1890. Claim under general law was rejected May 26, 1897, on the ground that death resulted from disease of lungs, not due to cause which has been legally accepted (gunshot wound right thigh, and results).

Claim under the act of June 27, 1890, was admitted, and this claimant is now pensioned thereunder at \$8 per month.

Claimant is 52 years of age, and has no income or means of support except her pension. She was married to the soldier December 29, 1863.

In an affidavit dated August 19, 1896, Chas. E. Nummack, M. D., testifies that soldier first consulted him professionally August 27, 1892, and was then suffering from tuberculosis of the lungs, with complicat-

ing ulcer of stomach; that an attack of hematemesis soon followed, and prevented soldier from following his usual vocation for some months by reason of the anæmia and weakness induced by said hemorrhage; that the soldier recovered, but was under treatment constantly from that time for gastritis and tuberculosis until the summer of 1896, when he passed from under affiant's care.

James A. Ferguson, M. D., in an affidavit dated January 27, 1897, testifies that he attended soldier for chronic gastritis, gastric ulcer, and fibroid phthisis from May, 1894, to June, 1896, and that soldier died of fibroid phthisis, which, from the symptoms and history of the disease, affiant is positive was of years' duration and was caused by exhaustion and absorption of pus from a compound fracture of the right hip joint, caused by minnie ball during the war of the rebellion.

Your committee is of the opinion that the soldier's death was the indirect result of disabilities incurred in the service, and that the widow is entitled to \$15 per month under the general law.

The bill is reported back with the recommendation that it pass when amended as follows:

In line 9 strike out "twenty-five" and insert "fifteen."

Amend the title as indicated.

O

JOHN DOEBLER.

APRIL 29, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STURTEVANT, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 247.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 247) granting an increase of pension to John Doeblor, have examined the same and the evidence relating thereto and respectfully report:

This bill, as amended, proposes to increase from \$20 to \$25 per month the pension of John Doeblor, of Chambersburg, Pa.

The claimant was enrolled August 11, 1862, as captain of Company A, One hundred and twenty-sixth Pennsylvania Volunteer Infantry, and was honorably discharged May 20, 1863.

September 14, 1863, he applied for pension and was allowed \$20 per month, the total of rank, from date of discharge, for gunshot wound in left arm, received at the battle of Fredericksburg.

In 1873 his pension was reduced to \$15 per month on biennial examination. June 28, 1880, he filed application for increase, and October 20 of the same year the examining board reports:

Ball struck radial side of left forearm about junction of middle lower third and passed directly through, shattering bones and requiring resection of both radius and ulna. * * * On account of loss of power in arm claimant was compelled to give up his trade. * * * We are of opinion that the rating was unjustly reduced.

This claim was rejected.

June 14, 1886, he again applied for increase, and was pensioned at \$20 per month from June 30 of the same year.

July 1, 1890, he filed another application for increase, and on March 5, 1891, the examining board gave him a \$24 rating for disability equivalent to the loss of a hand or foot. This claim was submitted for admission, but rejected by the medical referee.

March 21, 1894, the last board which examined him reports:

Projectile passed through forearm, fracturing ulna and radius, and injuring muscles, vessels, and nerves. * * * Flexion of hand entirely lost. * * * Grasping power of hand entirely lost. In the opinion of the board, claimant is wholly incapacitated for earning his support by manual labor by reason of the above disabilities and in consequence of age.

In the resection of the arm, after the gunshot wound, about 2 inches each of the ulna and radius were cut off.

The claimant is 72 years of age and wholly incapacitated, as shown by the reports above mentioned. The arm is of very little use. The hand itself seems to be useless for manual labor.

In view of these facts we think that an error was made at the Pension Bureau in not increasing the pension of the soldier to at least \$25 per month, and the bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 7, after the word "pension," strike out the words "of thirty" and insert in lieu thereof the words "at the rate of twenty-five."

At end of line 7 insert the words "in lieu of the pension he is now receiving."

In the matter of claim for increase of pension of John Doebler, late captain Company A, One hundred and twenty-sixth Regiment Pennsylvania Volunteers, certificate No. 20611.

STATE OF PENNSYLVANIA, *County of Franklin*, ss:

Be it remembered that on this 25th of March, A. D. 1898, before me, clerk of the quarter sessions court, the same being a court of record within the county and State aforesaid, personally came John Doebler, who, being by me duly sworn according to law, says that he is the identical John Doebler who was captain of Company A, of the One hundred and twenty-sixth Regiment of Pennsylvania Volunteers, and who is claimant in the above-entitled pension claim. He owns no real estate whatever. The only income he has is from his manual labor.

JOHN DOEBLER.

Sworn and subscribed before me this 25th of March, 1898, and I certify that the affiant is respectable and entitled to full faith and credit. The foregoing affidavit was fully made known to the affiant before swearing to the same, and that I have no interest, direct or indirect, in this claim for pension.

[SEAL.]

W. L. MINICK,
Clerk Quarter Sessions Court.

STATE OF PENNSYLVANIA, *County of Franklin*, ss:

On this 28th day of January, A. D. 1898, personally came before me, clerk of the quarter sessions court, the same being a court of record in and for the county and State aforesaid, John Montgomery, aged 62 years, a resident of Chambersburg, Franklin County, Pa., whom I certify to be respectable and entitled to full faith and credit, and who, being by me duly sworn according to law, says as follows: My occupation is that of a physician. I have been in the active practice of my profession for the last thirty-nine years. I have known the claimant, John Doebler, for the last forty-five years. The claimant's left arm and hand are crippled, which causes him pain all the time. The hand is useless to him, and more than useless. The arm, also, is of no account for manual labor. The claimant can not use either his left hand or arm in the performance of manual labor.

The claimant is so disabled from gunshot wound of the left arm as to be incapacitated for performing any manual labor, and that he is entitled to \$30 a month. I am thoroughly acquainted with the disability of this claimant for the reason that I know him intimately, and also from the fact that I served for a long time as a United States examining surgeon for the Pension Bureau at this place.

I am not related to the claimant and have no interest, direct or indirect, in this claim, and am not concerned in its prosecution.

JOHN MONTGOMERY, M. D.

Sworn and subscribed before me this 28th day of January, A. D. 1898, and I certify that I personally know the affiant to be the identical person he represents himself to be. The contents of the foregoing affidavit were fully known to affiant before signing and swearing to the same, and that I am not related to the parties and have no interest, direct or indirect, in this claim, and am not concerned in its prosecution.

[SEAL.]

W. L. MINICK,
Clerk Quarter Sessions Court.

STATE OF PENNSYLVANIA, *County of Franklin, ss:*

On this 28th day of January, A. D. 1898, personally came before me, clerk of the quarter sessions court, the same being a court of record in and for the county and State aforesaid, John Doeblor, a resident of Chambersburg, Franklin County, Pa., whom I certify to be respectable and entitled to full faith and credit, and who, being by me duly sworn according to law, says as follows: I am the identical John Doeblor who is the claimant in the above-entitled claim for increase of pension. I am so disabled from gunshot wound of left arm as to be incapacitated for performing any manual labor. I can not use my injured arm or hand at all in the performance of manual labor. My postoffice address is Chambersburg, Franklin County, Pa.

JOHN DOEBLER.

Sworn and subscribed before me this 28th day of January, A. D. 1898, and I certify that I personally know the affiant to be the identical person he represents himself to be. The contents of the foregoing affidavit were fully made known to affiant before signing and swearing to the same, and that I am not related to the parties and have no interest, direct or indirect, in this claim, and am not concerned in its prosecution.

[SEAL.]

W. L. MINICK,
Clerk Quarter Sessions Court.

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H. Rep. 5—7

The first of the year was a very successful one for the school. The pupils were very attentive and the teachers were very kind. The school was very well managed and the pupils were very happy. The school was very well managed and the pupils were very happy.

The second of the year was also a very successful one for the school. The pupils were very attentive and the teachers were very kind. The school was very well managed and the pupils were very happy. The school was very well managed and the pupils were very happy.

The third of the year was also a very successful one for the school. The pupils were very attentive and the teachers were very kind. The school was very well managed and the pupils were very happy. The school was very well managed and the pupils were very happy.

The fourth of the year was also a very successful one for the school. The pupils were very attentive and the teachers were very kind. The school was very well managed and the pupils were very happy. The school was very well managed and the pupils were very happy.

The fifth of the year was also a very successful one for the school. The pupils were very attentive and the teachers were very kind. The school was very well managed and the pupils were very happy. The school was very well managed and the pupils were very happy.

The sixth of the year was also a very successful one for the school. The pupils were very attentive and the teachers were very kind. The school was very well managed and the pupils were very happy. The school was very well managed and the pupils were very happy.

MRS. MARY H. HARBOUR.

APRIL 29, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STEVENS, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 7010.]

The Committee on Pensions, to whom was referred the bill (H. R. 7010) granting a pension to Mrs. Mary H. Harbour, have considered the same and report:

The claimant is the widow of Samuel B. Harbour, who is shown by the records of the War Department to have enlisted May 9, 1846, in Company K, Third Louisiana Volunteers, Mexican war, and was discharged by order of General Taylor July 6, 1846. The soldier in his pension claim declared that his discharge was due to disability arising in the service in Mexico.

Samuel B. Harbour filed an application under the Mexican war service pension act of January 29, 1887, and the same was allowed.

The service shown in the War Department report was fifty-nine days—one day short of the time required by the act, but under rulings then in force, time spent in travel was taken into consideration in the settlement of the case.

Subsequently, however, such rulings were reversed, and after the soldier's death (which occurred July 1, 1894) his widow—this beneficiary—was notified by the Pension Bureau that she would not be entitled to a pension in her own right. She was allowed the accrued pension due on her husband's certificate, however, upon establishing her legal widowhood.

Mrs. Harbour married the soldier January 12, 1856. She is now well advanced in years, and the testimony on file in the soldier's case shows that they were without property of any kind.

The passage of the bill is recommended, with an amendment changing the title so as to read: "A bill granting a pension to Mrs. Mary H. Harbour."

INCREASING THE MILITARY ESTABLISHMENT OF THE UNITED STATES.

APRIL 29, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. GRIFFIN, from the Committee on Military Affairs, submitted the following

REPORT

[To accompany H. R. 10069.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 10069) to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, having had the same under consideration, would respectfully report the same back to the House with the recommendation that it be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

That section 6 of an act entitled, "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, be amended by striking out the word "three" where it occurs in the last proviso in said section and inserting in lieu thereof the word "sixteen," so that said proviso will read as follows: "*Provided further*, That the President may authorize the Secretary of War to organize companies, troops, battalions, or regiments possessing special qualifications, from the nation at large, not to exceed sixteen thousand men, under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War."

Also that the title be amended so as to read as follows:

A bill to amend an act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes."

And that when so amended the bill do pass.

The original purpose of the bill was to increase the number of men possessing special qualifications which the President was empowered under the provisions of section 6 of said act to authorize the Secretary of War to organize from the nation at large from 3,000 to 13,000.

The Secretary of War, by indorsement on a copy of the bill referred to the War Department for its opinion thereon, dated on the 28th instant, requests the authority to make the addition 13,000 in lieu of 10,000, so as to cover a brigade of engineers.

The act which it is proposed to amend vested in the President power to cause to be organized 3,000 men possessing special qualifications. The increase of 13,000, making a total of 16,000, is designed to enable the War Department to organize a brigade or corps of engineers and a corps of electricians, and the enlistment of men who are yellow fever immunes.

The Assistant Secretary of War, in a communication addressed to the chairman of the committee, dated the 28th instant, presents the views of the War Department respecting the provisions of the bill and its purposes as follows:

In returning H. R. 10069, Fifty-fifth Congress, second session, I have the honor to state that this is a bill introduced in the House and referred by the Committee on Military Affairs to the Secretary of War for report. It is a bill to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes, and is in the nature of an amendment to the act approved April 22, 1898, which provides for a volunteer branch of the United States Army to be raised and maintained in time of war. That bill provided that the enlisted men authorized to be recruited for the volunteer branch of the Army should be taken from within the territorial limits of the various States and Territories and the District of Columbia, in proportion to their population, and there was a proviso added to section 6 of the act to the effect that the President may authorize the Secretary of War to take 3,000 men possessing special qualifications from the nation at large and organize them under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War. This proposed amendment is to the effect that in addition to the above the President may authorize the Secretary of War to organize companies, troops, battalions, or regiments possessing special qualifications from the nation at large, not to exceed 10,000 men, under such rules and regulations, including the appointment of the officers thereof, as may be prescribed by the Secretary of War.

It is thought that it may be advisable to enlist an engineer corps composed of men possessing special qualifications, and a corps of electricians. Also it may become important to have a large body of troops composed of men who have had yellow fever. The latter could be obtained only in the extreme Southern States, and it may be necessary to have more of such men than the quotas of such States amount to.

The passage of the bill is therefore respectfully recommended.

In view of the existing emergency and the object to be attained, the necessity for the proposed legislation seems quite apparent and should, in the interest of the general efficiency of our military establishment, receive the favorable consideration of Congress.

HENRIETTA FOWLER.

APRIL 29, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STALLINGS, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 3598.]

The Committee on Pensions, to whom was referred the bill (H. R. 3598) granting a pension to Henrietta Fowler, have considered the same and report as follows:

The claimant's late husband, Jesse Fowler, was a private in Captain Lemle's company, Georgia Volunteers, Creek Indian war. The records of the War Department show that he enlisted June 11, 1836, and was mustered out July 7, 1836, but the Auditor of the Treasury for the War Department reports that he was paid for one month and fifteen days' service, including 180 miles travel pay each way between his home and place of rendezvous. The time consumed in travel was not, however, taken into consideration by the Pension Bureau, and the claimant's application under the Indian war act of July 27, 1892, was rejected on the ground that the soldier's service was three days short of the period required by that act.

The claimant married the soldier October 19, 1837, and he died September 1, 1881.

Mrs. Fowler is now about 92 years old.

The passage of the bill is respectfully recommended, with an amendment striking out the word "twenty," in line 7, and substituting therefor the word "eight," so as to conform, in the matter of rating, to the provisions of the general law.

MRS. A. A. PINKSTON.

APRIL 29, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STALLINGS, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 9141.]

The Committee on Pensions, to whom was referred the bill (H. R. 9141) granting a pension to Mrs. A. Pinkston, have considered the same and report:

The claimant is the widow of Franklin C. Pinkston, who served as a private in Captain Ashurst's company of Alabama Volunteers in the Creek Indian war. The records of the War Department show that the period of service was from May 11, 1836, to June 7, 1836.

Mrs. Pinkston's claim at the Pension Bureau, under the Indian war act of July 27, 1892, was rejected February 15, 1893, on the ground that her husband's service was two days short of time required by that act.

The testimony accompanying the bill shows that the claimant is about 73 years old and in needy circumstances, her entire income from all sources not exceeding \$50 per annum.

She married the soldier September 8, 1842.

There are many precedents for the allowance of pensions in cases where title can not be perfected under the general law because the service was a few days short, and your committee believe that such precedents may safely be followed in this case.

The passage of the bill is recommended with the following amendments:

Correct the claimant's name so as to read "Mrs. A. A. Pinkston."

In line 6, after the word "war," insert "as a private in Captain Ashurst's company of Alabama Volunteers."

JURISDICTION OF SUPREME COURT OF THE DISTRICT OF
COLUMBIA IN CERTAIN CASES.

APRIL 30, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. JENKINS, from the Committee on the District of Columbia, submitted
the following

REPORT.

[To accompany S. 1910.]

The Committee on the District of Columbia have had under consideration Senate bill No. 1910, House bill No. 8345, and House bill No. 9480, and, after carefully examining the same, report as follows: That House bills Nos. 8345 and 9480, relating to the same subject, be laid upon the table, and that Senate bill No. 1910 do pass with the following amendment:

Strike out all after the enacting clause and insert the following:

That section four of the act of Congress entitled "An act relating to the supreme court of the District of Columbia," approved June twenty-first, eighteen hundred and seventy, be, and the same hereby is, amended so as to read as follows:

"That all the powers and jurisdiction by law held and exercised by the orphans' court of Washington County, District of Columbia, prior to the twenty-first day of June, anno Domini eighteen hundred and seventy, are hereby conferred upon the supreme court of the District of Columbia. Such powers and jurisdiction shall continue to be exercised by one of the justices of said court holding a special term for orphans' court business, and from his judgments, orders, and decrees there shall be the same right of appeal to the court of appeals of the District of Columbia as is given by section seven of the act of Congress establishing said court of appeals, approved February ninth, eighteen hundred and ninety-three: *Provided*, That nothing herein contained shall divest said court or said special term or said justice of any power or jurisdiction conferred upon said court or said special term or said justice by existing law.

"SEC. 2. That in addition to the jurisdiction conferred in the preceding section of this act, plenary jurisdiction is hereby given to the said court holding the said special term to hear and determine all questions relating to the execution and to the validity of any and all wills devising any real estate within the District of Columbia and of any and all wills and testaments properly presented for probate therein, and to admit the same to probate and record in said special term; and neither the execution nor the validity of any such will or testament so admitted to probate and record shall be impeached or examined collaterally, but the same shall be in all respects and as to all persons *res judicata*, subject, nevertheless, to the provisions hereinafter contained.

"SEC. 3. That all issues of fact hereafter arising in the supreme court of the District of Columbia holding a special term for orphans' court business, including those relating to the execution or the validity of any will or testament, shall hereafter be tried

before said justice holding said special term, and that when required for such purpose jurors shall be drawn in the manner now by law provided for the drawing of jurors for service at the special term of the supreme court of the District of Columbia sitting as a circuit court for said District.

"SEC. 4. That no will or testament shall be hereafter admitted to probate and record in the said District until the following procedure shall have been followed: Whenever any will or testament shall be presented for probate and record to the said justice he shall direct all of the heirs at law or next of kin of the testator, or both, as the case may require, to be summoned to appear before him at a certain day, not earlier than ten days from the date of said presentation; if said summons shall be returned, personally served upon all of said heirs at law or next of kin, or both, at least five days before said return day, then, if no caveat be filed to said will, the said justice may forthwith admit the same to probate and record. But if any of said heirs at law or next of kin be returned "not to be found," then the said justice shall cause not less than thirty days' notice of the application for such probate to be published in some newspaper of general circulation in the District of Columbia, and may order such other publication as the case may require. And upon such notified day, or such subsequent day as the court shall appoint, the said application for probate shall be heard, due proof of such publication being made; and if no caveat be filed, the said will or testament shall be admitted to probate and record. In all cases in which all of the heirs at law or next of kin of a testator, or both, consent to such probate and record, such will and testament shall thereupon be forthwith admitted to probate and record without the hereinbefore-described proceedings. In all cases in which any of said heirs at law or next of kin is an infant or of unsound mind, the said justice shall appoint a guardian ad litem for said infant or person of unsound mind: *Provided*, That in no case shall any will or testament be admitted to probate and record save upon formal proof of its proper execution.

"SEC. 5. That the preceding sections of this bill shall be subject to the following proviso: Any person interested in said probate who, at the time of the final decree admitting any will or testament to probate and record, is within the age of twenty-one years, may file a caveat to said will within one year after he becomes of age; and any person so interested who at the said time was returned "not to be found" and was proceeded against by order of publication, may file such caveat within two years after the date of said final decree; and any person actually served with process or personally appearing in said proceedings may file such caveat within one year after said date.

"SEC. 6. That whenever any caveat shall be filed issues shall be framed under the direction of the court for trial by jury: *Provided*, That in all cases in which all persons interested are sui juris and are before the court, the issues may be tried and determined by the court without a jury upon the written consent of all such parties. At least ten days prior to the time of trial all of the heirs at law or next of kin of the decedent, or both together, with all persons claiming under the will, shall be each served with a copy of said issues and a notification of the time and place of the trial thereof. If any of them be an infant or of unsound mind he shall have a guardian ad litem appointed for him by the court before such trial shall proceed. If, as to any party in interest, the notification shall be returned "not to be found," the court shall assign a new day for such trial, and shall order publication at least twice a week for a period of not less than four weeks of a copy of the issues and notification of trial in some newspaper of general circulation in the District of Columbia, and may order such other publication as the case may require. And the supreme court of the District of Columbia may from time to time prescribe and revise rules and regulations for service personally upon such party outside of the District of Columbia of a copy of such issues and notification, but personal service upon absent defendants shall in no case be essential to the jurisdiction of the court in the premises. Upon the day notified, or such subsequent day as the court shall appoint, the court shall proceed with the trial of said issues, due proof of such publication and, when required, of such personal service being made, and due opportunity being given to any party in interest to demand other and further issues. On the trial of any such issue exceptions may be taken to the rulings of the court, which shall be embodied in a bill of exceptions, to be settled and signed by the justice presiding within such time as may be fixed by the rules of practice prescribed from time to time by the supreme court of the District of Columbia in general term, and the said justice shall have the same power to set aside the verdict and grant a new trial that is possessed and exercised by the supreme court of the District of Columbia in cases tried with a jury according to the course of the common law, and as to such trials shall have all other powers now vested by law in the supreme court of the District of Columbia holding a special term as a circuit court. In all cases in which such issues shall be tried the verdict of the jury and the judgment of the court thereupon shall, subject to proceeding in error and to such revision as the common law provides, be res judicata as to all persons, nor shall the validity of any such judgment be impeached or examined collaterally.

"SEC. 7. That in addition to the power and jurisdiction conferred by this act and by prior laws upon the supreme court of the District of Columbia holding a special term for orphans' court business, said court is hereby given plenary authority to administer also the real estate situated in the District of Columbia of decedents, so far as may be necessary for the payment of debts and legacies, and to distribute among those entitled thereto any surplus proceeds of any sale of real estate made in the course of such administration, and that the bonds hereafter executed of all executors and administrators shall be responsible for the proceeds of sale of all real estate sold by them under the order of the said justice for such purposes of administration: *Provided, however,* That no such sale shall be made unless the same be required for the purposes of paying debts and such legacies as are chargeable upon the real estate, nor until the auditor of the court shall have ascertained and reported a deficiency of personal assets for such purposes, and such report shall be subject to exception.

"SEC. 8. That the foregoing sections of this act shall apply only to wills and testaments hereafter offered for probate, and, in cases of intestacy, to the estates of such persons as shall die after the passage of this act: *Provided,* That the supreme court of the District of Columbia holding a term for orphans' court business upon the petition of any person interested under any will heretofore filed in said court may offer the same for probate as a will of real estate, whereupon such proceedings shall be had as by this act are authorized in regard to wills hereafter offered for probate.

"SEC. 9. That the said justice may authorize and direct collectors heretofore or hereafter appointed to discharge pendente lite all or any of the duties of an administrator.

"SEC. 10. That the supreme court of the District of Columbia in general term is hereby authorized and empowered to make all such rules of practice as shall be necessary for the exercise of the jurisdiction hereby conferred, and to revise and alter such rules from time to time as it may deem proper.

"SEC. 11. That all laws and parts of laws inconsistent herewith are hereby repealed."

Copies of these several bills have been submitted to all of the judges in the District presiding over courts of record, and to the Commissioners of the District; and, after hearing from the learned judges of the District of Columbia and from the bar of the District, the committee recommend for passage the substitute for this bill. It is designed to remedy an anomalous condition of affairs existing in the laws of the District of Columbia inherited from the State of Maryland almost one hundred years ago. It is needless to say that such a condition exists nowhere else in the United States. But at the capital of the country the law remains as it was in the State of Maryland in February, 1801, save in the comparatively few instances where Congress has interposed by amendatory legislation such as is here sought.

The most pressing evil which requires remedy is the following: A man dies in the District of Columbia owning both personal and real estate. His will is presented for probate and record in the supreme court of the District of Columbia holding a special term for orphans' court business. His children or other next of kin file a caveat to this will, alleging want of testamentary capacity on the part of the testator, or the existence of fraud or undue influence in the obtaining of this will. Issues are thereupon made up and sent for trial before a judge and jury at a special term of the same court sitting as a circuit court. The verdict we will suppose, finds all these issues in favor of the will. This verdict is sent back to the special term for orphans' court business and a judgment is there entered allowing probate to the will. This judgment is final, provided no appeal be taken, with respect to the personal estate of the testator. But the same persons who had procured the issues, and who are absolutely bound by the verdict and judgment entered upon them, file a declaration in ejectment in the same court as heirs at law of the testator.

Upon a trial of this ejectment they assail the same will upon the same issues, and we will suppose that a verdict is rendered against the will. Here we have two absolutely contradictory verdicts upon the same

issues in the same court. We have contradictory judgments entered upon those verdicts. Of a similar condition of things formerly existing in England, and long since remedied there, Lord Chief Baron Yelverton, in 1785, said:

I believe no two acts can be supposed to be more intimately connected with each other, both in unity of time and of assurance, than a will of real and personal estate, written upon one and the same piece of paper or parchment, and subscribed by one and the same signature. And yet it is clear law that, though the probate of such a will is conclusive evidence of the sanity of the testator to make such a will, yet it is by no means conclusive evidence of his capacity to dispose of his real estate. And why? Evidently because of the capacity of the party to do the two acts is triable by different jurisdictions. From all which I am warranted to lay it down as a general position that the capacity of the party to do one act is not conclusive of his capacity to do another, if his capacity to do that other be triable by a different jurisdiction, whether the two acts make one and the same assurance, or are done at one and the same time or not. (*Hume v. Burton*, 1 Ridgway P. C., 277.)

Nearly half a century before (A. D. 1742), Lord Chancellor Hardwicke had denounced this frequent result of a divided and independent jurisdiction as a "very great absurdity." He said, among other things:

I wish gentlemen of ability would take this inconvenience and absurdity into their consideration, and find out a proper remedy by the assistance of the legislature. (*Montgomery v. Clark*, 2 Atkyns, 379.)

The invocation of the lord chancellor remained unheeded in England until 1857, and to this date, though reinforced by the examples of the States generally, if not universally, has had no effect upon legislation for the District of Columbia.

The above language was recently quoted by the court of appeals of the District of Columbia in the case of *Perry et al. v. Sweeny* (25 Law Reporter, p. 724).

Another great evil constituting a constant menace to the safety of real-estate transactions is this: Under existing law the will of a testator may be assailed in an ejectment suit at any time within twenty years, and in certain cases of disability under the statute of limitations a still longer period is allowed.

A further object of the proposed legislation is to give to the supreme court of the District of Columbia holding a special term for orphans' court business plenary jurisdiction for the administration of both the personal and real estate of the decedent. Such jurisdiction is vested in probate courts throughout this country generally. There is no reason why a person interested in the estate of a decedent, whether as creditor or as devisee, should be compelled to resort to one branch of a court for his remedy with respect to the personalty and to another and a different branch with respect to the realty. A subordinate and incidental evil to be remedied is this: There are very many contests over wills in the District of Columbia. Under the law jury trials in such cases have precedence over all other business. In consequence of this, suitors on the common-law side of the court are delayed indefinitely, and to their very great injury, while the juries are occupied in determining questions involving the validity of wills. The proposed legislation gives the special term sitting for orphans' court business a jury so that the sending of issues and the consequent blocking up of the business of the circuit court will no longer be necessary. There has never been any complaint that these cases were not tried promptly enough; the complaint has been just the opposite—that the precedence given to them under the law blocked and delayed other court business.

The proposed legislation, being a substitute bill prepared by a committee of the Bar Association of the District of Columbia, has been sub-

mitted to and carefully considered by the court of appeals and the supreme court of the District, and also by the District Commissioners. It has the unanimous approval of the three judges of the court of appeals. Of the six judges of the supreme court of the District of Columbia five approve it unqualifiedly. The Commissioners of the District of Columbia also approve it. All of the above named not only approve this legislation, but recommend its adoption. The bar association, whose committee has prepared it, are urgent in asking its enactment.

Certain objections to the bill have been stated in writing by Mr. Justice Hagner, of the supreme court of the District of Columbia. In order to remove possible difficulties of interpretation apprehended by Mr. Justice Hagner, the committee of the bar association has amended the original draft of this substitute, and it is thought that there is no longer any possible room for doubt with respect to the interpretation of the substitute.

The other main objection of Mr. Justice Hagner is based upon the danger of disturbing the provisions of the Maryland testamentary act of 1798. Without detracting in any way from the merit of that act, it is sufficient to say that it is a century old; that its provisions have been changed in many respects in Maryland, and it is not surprising that a system of testamentary law which was fully competent to the needs of a provincial community in the year 1798 should not respond to the requirements of the capital of the nation in the year 1898. It is urged by Mr. Justice Hagner that the provisions of the substituted bill would operate to favor the fraudulent concealment of wills in order that the intestacy of a decedent may become *res judicata*; but there is no force in this objection, as nothing in the bill prevents the probating of a newly discovered will, no matter when discovered, within a reasonable time after its discovery.

Mr. Justice Hagner, in his letter to Senator Faulkner, stating very forcibly the need for amendatory legislation, has made a very strong argument for the passage of the substitute now proposed.

The remedy offered by Judge Hagner is merely a matter of convenience. It allows this same special term to admit to probate and record wills of real estate, and allows certificates of the judgment of probate to be used as *prima facie* evidence in an ejectment or other suit to prove such will. But, as has been said, this is merely a matter of convenience. Instead of producing the will and proving it by one or more witnesses, the record of probate is produced. But as the effect of this record is explicitly said to make only a *prima facie* case, none of the gross evils which we have above adverted to are at all remedied. It would still be possible to have in the same court contradictory verdicts and judgments with respect to the very same will.

For these reasons we recommend the adoption of the substitute measure, which we herewith report.

So far as your committee are able to learn, the substitute bill is indorsed by the bar and the bench of the District of Columbia, with the exception of his honor Mr. Justice Hagner, associate justice of the District. The supreme court of the District carefully considered the same and presented their views through the chief justice, as follows:

WASHINGTON, *March 24, 1898.*

SIR: Your communication of the 3d instant was duly received, and would have been much sooner answered but that I have found that there is not entire unanimity of opinion by the justices of this court in regard to the matters submitted for our consideration, and, further, that the committee of the bar association have taken some time to frame suggested amendments to the House bill inclosed by you.

The situation seems to be that five justices of this court favor the passage of the House bill if amended substantially as proposed by the committee of the bar association (a copy of such proposed amendments being herewith inclosed), provided that can be accomplished during the present session of Congress. If that can not be done, by reason of any opposition thereto, then they cheerfully unite with their associate, Mr. Justice Hagner, who opposes the House bill, in recommending the passage of Senate bill 1910 as a measure that will give a much-needed relief. This relief would also be furnished by the House bill, and five of the justices believe that the further provisions of the latter, with proposed amendments, would afford relief of great benefit to the practice and litigants in this court. At Justice Hagner's request, I inclose his written objections and criticisms to House bill. Some of them are obviated and answered by the proposed amendments of the bar association committee. I have not time to notice Justice Hagner's statement further, but submit the whole matter to the consideration of the Committee on the Judiciary.

Very respectfully,

E. F. BINGHAM,
Chief Justice Supreme Court District of Columbia.

Hon. JOHN J. JENKINS,
Chairman Subcommittee on the Judiciary, House of Representatives.

Your committee were also favored with a communication from the court of appeals of the District, through the Hon. R. H. Alvey, chief justice, which is as follows:

WASHINGTON CITY, D. C., *March 21, 1898.*

SIR: I herewith inclose bill H. R. 8345, as revised and modified by the judges and attorneys of the District, upon consultation. The changes from the original bill are in mere matter of detail, as to process of procedure in order to bind parties concerned with some additional provisions. The bill as thus modified is thought to be proper to be passed as a law for this District. Indeed, there is great need for such statute, and I hope Congress will not hesitate to pass the bill thus recommended by the bench and bar of this District.

Respectfully, etc.,

R. H. ALVEY,
Chief Justice.

CHAIRMAN COMMITTEE ON THE DISTRICT OF COLUMBIA,
HOUSE OF REPRESENTATIVES.

The entire subject was submitted to the Commissioners of the District of Columbia. They carefully considered the same and are unanimously in favor of a change in the law. Their letter is as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 8, 1898.

DEAR SIR: The Commissioners recommend favorable action upon the bill "To amend section 4 of the act of Congress entitled 'An act relating to the supreme court of the District of Columbia,' approved June 21, 1870, and for other purposes," which was referred to them at your instance for their examination and report.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Hon. J. W. BABCOCK,
Chairman Committee on the District of Columbia, House of Representatives.

As his honor, Mr. Justice Hagner, went to the trouble to prepare his views with reference to the matter, while it is adverse to the committee's views of the case, your committee feel it to be their duty to incorporate the views of the learned associate justice for the information of the House. His communication is as follows:

The House Committee of the District of Columbia has requested this court to express its opinion as to whether it would be proper to adopt one or the other of two bills now before it, each of which has reference to proceedings in that branch of the supreme court of the District of Columbia known as the orphans' court.

As the report to be made by the chief justice in behalf of the court mentions that my opinion on the subject differs from that of the majority of the court, it is proper I should explain the reason why, to my regret, that difference of opinion exists.

After the Supreme Court of the United States had decided in *Campbell v. Porter*,

162 U. S., 478, that the orphans' court of this District had no power to admit to probate a will or codicil devising real estate, the only method existing by which such probate could be accomplished was through application to the equity court. To avoid the expense and delay of that form of proceeding the bill known as Senate bill No. 1910 was prepared and presented in the Senate and referred to the District Committee in May, 1897, and has been reported favorably by the committee.

This bill was confined to the only subject then known to this court connected with the jurisdiction of the orphans' court requiring amendment. That the speedy adoption of some measure to accomplish the purpose designed is of the utmost importance no one will deny.

It is not objected by anybody that the provisions of the Senate bill are not proper and adequate to accomplish the sole object proposed.

In February, 1898, the House bill was introduced by request, and referred to the House Committee of the District. This measure professes to accomplish all that the Senate bill contains, and also proposes several other changes in the testamentary law existing in the District. I am opposed to it, because several of these changes, in my opinion, are injudicious, and because the language of some of the provisions in several particulars is incautious and calculated to produce confusion and uncertainty rather than to accomplish any beneficial end.

In the first section the future powers and jurisdiction of the orphans' court are expressly limited to those "held and exercised by the orphans' court of Washington City prior to the 21st of June, 1870," and to those additional powers intended to be conferred by the new act.

But these terms of exclusion would deprive the court hereafter of many jurisdictional powers conferred by Congress since June, 1870. Among those thus omitted I will only refer to the acts of January 17, 1887, authorizing the orphans' court to reduce the penalty of testamentary bonds where the testator declares his desire to dispense with security (24 Stats., 361); of the 28th February, 1887 (24 Stats., 431), respecting bonds of foreign executors; of February, 1890, respecting the adoption of children; of October, 1890, authorizing the court to accept trust companies as sureties on bonds and as guardians, executors, and administrators; of March 3, 1891, referring to apprentices, and of June, 1896, relative to natural guardians. As the exercise of each of these powers is beneficial to the public, the omission must have been through inadvertence rather than by design.

The third section declares that "all issues to try the execution or validity of any will shall be tried before the justice holding the orphans' court, and that when required for such purposes jurors shall be drawn in the manner now by law provided for the drawing of jurors for service at special terms of the courts sitting as circuit courts." This section was undoubtedly designed to provide that the jury referred to should serve in the orphans' court, and that such issues should no longer be triable in the circuit court. This change, in my opinion, is unnecessary and unwise.

By the Maryland act of February session, 1777, chapter 8, a jury could be summoned to hear any issues in the orphans' court; but under the testamentary system of 1798, chapter 101, which is our law here, that power was withdrawn. It has never since existed in Maryland, and neither in Baltimore, the seventh city of the Union in population, nor in the counties of the State, which have a full share of contests over wills, has the necessity of any change in this particular ever appeared.

I understand one ground of complaint with the present system is the alleged delay and trouble accompanying the transfer of the issues and verdicts from one court to the other. But this delay or trouble seems to me to be practically imaginary. After the justice in the orphans' court has signed the issues, it can not take ten minutes to carry the copy to the clerk's office near at hand, where the case is instantly placed upon the circuit court docket. And after the verdict has been rendered in the circuit court, no longer time is consumed in bringing a copy of the findings into the orphans' court, where the verdict is entered frequently on the same day. In Baltimore City the orphans' court for many years has been held in a different building, at a considerable distance from those occupied by the circuit courts, but I have never heard that any one ever complained of any trouble or delay from this cause.

The chief difficulty is said to arise from the delay in hearing the issues in the circuit court. But whenever this really exists it is not from any fault in the system, but from the delays of the parties or the counsel.

By the act of 1798, chapter 101, the trial of the issues is directed to take place in the trial court "as soon as may be, without any continuance longer than is necessary to procure the attendance of a witness or witnesses;" and the rules of practice of those courts invariably accord that preference. But the trial courts can not always compel an immediate hearing where both parties are willing to delay it, or where a good ground of continuance occurs, as from absence of witnesses. If a good excuse appears, the court will grant the continuance, whether the cause is on hearing in the orphans' court or in the circuit court—with the difference that there is no such

requirement in the new bill for an immediate hearing in the orphans' court before the jury as is enjoined by the act of 1798, chapter 101. But the court, in either tribunal, can dismiss the case if it finds the issues have been asked merely to try to extort a compromise. In the orphans' court, on the suggestion that the caveator has delayed to send up the issues, and that his conduct produces the belief that his object is to delay with the view to extort money, the justice presiding, after notice to the side complained of and in absence of a satisfactory denial, has revoked the issues and admitted the will to probate.

I can not see that the remedy proposed will cure any of the supposed evils.

The Maryland act of 1798, chapter 101, forming its testamentary system, consists of 15 subchapters, containing upward of 190 sections. It is a wonderful work, prepared by Chancellor Hanson at the request of the legislature. Almost every section has been submitted to judicial examination during this full century of trial, and the meaning of its language determined by the decisions of the courts. Such a system should be interfered with only after grave inquiry, for no one who has not read and studied every section it contains can possibly understand their mutual relation and effect.

Several of the provisions of the bill are wanting in that clearness of expression that should appear in an act of Congress. Although there is a general reference to the provisions of the act establishing the District court of appeals, it is not explained how an appeal from the orphans' court with the jury is to be effected. Under the statute of Westminster no bill of exceptions would lie from any court except a civil court of law, and such is still the rule, except where the right has been given by statute expressly or by necessary implication.

In 10 G. & J., 372 *Mayhew v. Soper*, the Maryland court of appeals held that no bills of exceptions were allowed from orphans' courts.

In 36 Maryland, 613 *Barth v. Rosenfield*, the court of appeals decided that where a statute authorized a jury to be drawn for the trial of issues from chancery in one of the equity courts of Baltimore city "when proceedings shall be had in such cases as is usual in like cases in equity," no bill of exceptions would lie, since the right was not sufficiently conferred by the terms of the act.

Under the language of section 3, as it seems to me, a bill of exceptions would no more lie from rulings of the justice on trials before a jury in the orphans' court than from rulings in admiralty, or from a justice of the peace with a jury, or from an equity court.

The provision in section 7 is equally uncertain in its language. It gives "plenary" jurisdiction to the orphans' court as to personal and real estate "so far as may be necessary for payment of debts and legacies," but gives no jurisdiction respecting it for distribution, an omission that may create uncertainty in view of the 11th section of the bill repealing all inconsistent laws.

If this "plenary" authority to sell lands is allowed, the right must remain to the heirs to contest the proceeding, according to the immemorial practice in courts of equity under the statutes on the subject. That practice required the filing of a bill, with the right to demur, plead, or answer, and to have the requisite proofs taken before the decree shall pass. But nothing concerning these rights is mentioned in this bill, and in their absence the orphans' court has no authority to exercise them, and possesses no machinery to put them in execution. The testimony could not be taken by the register of wills or his clerks, and the examiners in chancery could no more act in such proceedings, in the absence of express legal authority, than they could take testimony in a circuit or criminal court.

No provision is made for issuing subpoenas; or for keeping dockets, as in equity courts; nor for regulating the costs, which are different in the two courts. No crier or bailiffs are provided to keep order and take charge of the juries. The provision that the general term is empowered "to make all such rules as shall be necessary for the exercise of the jurisdiction thereby conferred" can not supply these omissions, for those subjects are regulated by law.

The necessary machinery for inaugurating the new system is not provided in the bill. The orphans' court room is the smallest court room in the building, the open space less than 17 feet wide; very indifferently ventilated, and scarcely large enough to accommodate the twenty-six jurors who are to be drawn. This room and those communicating are occupied by the records and clerks, and there is scant room for the great number of persons who are constantly drawn there by business.

If it be suggested that the presiding justice may hold the trials elsewhere in a larger room, there will arise the same want of space, to which the court, whose room is thus occupied, can transfer its own sittings. The orphans' court is held by one of the justices holding an equity term. That term is constantly occupied with important business, which would have to be suspended while the prolonged trials in will cases are in progress. Those sensational contests are frequently continued for a month, and sometimes twice that time; and the character of the testimony invariably draws great crowds, who listen with eagerness to the accounts of the vices or follies of the

testator. The equity business which will be thus suspended is quite as important as the trial of will cases. The regular orphans' court business will suffer from the same cause, and that court is quite as important as any other in the system, and there is no reason for crowding it aside in favor of any other.

The provisions of sections 2 and 5, which declare that decisions upon a caveat shall be "res judicata," and not capable of being disturbed after one or two years, according to the circumstances, in my opinion is liable to encourage fraudulent practices in the concealment of wills. Some members of this court are acquainted with the Crauford case in Prince George County, Md., in which a will of undoubted genuineness was brought to light after more than twenty years' concealment. In consequence of this concealment large personal and real estate of a decedent had been distributed as in intestacy, the heirs at law believing all the time a will had been made. After the entire estate had been sold and had changed hands the missing will was produced from the receptacle in which it had been placed at the beginning of the war at the request of a man who said he was going South. The will was promptly admitted to probate as soon as the heirs at law who were the devisees were apprised of its existence, and they were thus enabled to make a compromise settlement with the purchasers of the land which properly belonged to them. Of course they would have totally lost their estate if such a statute as that now suggested had been in existence. The limitations proposed by the bill are too short, as it seems to me.

The ninth section declares "that the said justice may authorize and direct collectors heretofore and hereafter appointed to discharge pendente lite all or any of the duties of an administrator."

This provision introduces into the testamentary system an entirely novel feature. By the existing law, in case of delay because of the absence from the District of the executor, or of a contest relative to the right of administration, or of a contested will, the orphans' court is authorized to issue letters of collection for the preservation of the goods of the deceased and the returning of an inventory; the form of the collector's bond is prescribed, and his powers are explicitly confined to the collection of the personal assets; and to the sale, under an order of the court, of such chattels as are perishable and not to be preserved, and to account for the same; and it further provides that "no collector as aforesaid shall have power to bring suit for debts, or to release the same, or to do any act further than is before mentioned."

In opposition to this settled policy of the law, it is proposed that the justice may authorize and direct collectors heretofore or hereafter appointed to perform duties not contemplated in his appointment or secured by the statutory bond, and this upon a mere order of the justice. One advantage of the present law is its tendency to discourage speculative contests over wills; and this benefit will be lost by the change, which I conceive to be needless, inconsistent with the policy of the testamentary system, and dangerous to its safe administration.

I have briefly gone through the more prominent defects of the proposed measure, though there are some errors of expression that ought not to be retained. The needless use of the word "plenary," in two places, may serve to create difficulty, as the expression "plenary proceedings" describes a distinct form by which an appeal under the general testamentary system is perfected.

For ten years this community suffered from the careless provisions of the act of 1888, which was finally declared void by the Supreme Court in *Campbell v. Porter*. That imperfect statute caused a large actual expenditure of money for costs incurred in the resort to chancery to prove wills of realty. The taxed costs in one of those cases, as appears from statements made by the clerk, exceeds \$70, independent of fees to counsel. The loss to suitors by way of interest from the delays, and from the other inconveniences arising from this mistake, would doubtless amount to a very considerable sum. Congress may well exercise very great caution in legislating again on this same subject.

The only existing grievance is the absence of jurisdiction in the orphans' court to admit to probate the wills of realty, which will be effectively and safely removed by the adoption of the Senate bill.

The evils or inconveniences, if they be such, designed to be cured by the House bill are a century old, and their consideration may well be left for another session, by which time a plan of codification of the District laws may be completed, or a more carefully prepared bill presented for the action of Congress.

There is no reason why the cases of contested wills (now nine in number) should not be placed on a special part of the trial calendar of the circuit courts (as is done with appeals from justices of the peace), and set down for hearing at the opening of the several terms, nor why every such case may not be tried or otherwise disposed of during the next April term of the three civil jury terms, if the parties desire them to be heard, unless some special reason for delay appears, in accordance with the injunctions of the act of 1798, chapter 101. This form of contest receives suffi-

cient protection under the law as it stands, and there is no reason why such special encouragement should be given to it, as would be the effect of the proposed bill.

It would be far better to provide for the appointment of an additional justice of this court who might hear such cases in a new circuit court than to pass a bill which would produce difficulties and delays in the proceedings of the present courts.

The gravity of our situation as to titles of lands claimed through wills filed here does not seem to be appreciated. Under the undoubted law as settled by the supreme court, not a single will of real estate has been properly admitted to probate by the orphans' court since the establishment of the District of Columbia.

We constantly see attempts by suits to ravel up ancient titles upon alleged technical defects. If Congress continues to neglect to give to the orphans' court adequate jurisdiction to admit wills of real estate to probate, why may we not expect to see the testamentary dispositions of our great philanthropists attacked upon the ground that they have never been admitted to lawful probate, as well as the modest devises of the average citizen?

To leave things in their present condition would be a real calamity, and the difficulties of rectifying the evil increase each year. The first section of the Senate bill will prevent all trouble as to future wills. The second section contains a provision (not in the House bill) which affords a ready mode to admit to probate wills of real estate heretofore probated as wills of personalty. The safest and best disposition of the question certainly will be to pass the Senate bill as it stands, instead of embarrassing the success of this indispensable amendment by attaching provisions of doubtful expediency, and which, if valuable, may well be postponed without injury.

The suggestion has been made that the House bill may be amended. But such amended bill is not before us, and it is impossible to say whether it will prove satisfactory until it has been presented for examination.

All which is respectfully submitted.

A. B. HAGNER, *Associate Justice.*

MARCH 23, 1898.



PRESIDENT JOHN TYLER.

APRIL 30, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CUMMINGS, from the Committee on the Library, submitted the following

REPORT.

[To accompany H. Res. 117.]

The Committee on the Library, to whom was referred the joint resolution (H. Res. 117) directing a suitable shaft to be placed at the grave of John Tyler, have had the same under consideration, and beg leave to submit the following report:

On the 4th day of April, 1841, William Henry Harrison, President of the United States, died at the Executive Mansion in the city of Washington, and on the 6th day of April, 1841, John Tyler, who had been elected as Vice-President, took the oath of office as President, and entered upon the discharge of the responsible duties of that exalted station. On the 18th day of January, 1862, at the city of Richmond, Va., he departed this life full of years and full of honors. From early manhood to extreme old age, throughout a long and eventful career, he had served his country with conspicuous ability, fidelity, and zeal. As a member of the general assembly of Virginia, as a member of her executive council, as governor of the Commonwealth, as a member of the State conventions of 1830 and 1861, as a member of the House of Representatives of the United States, as Senator from Virginia in the Senate of the United States, as president of the peace conference at Washington, as a member of the provisional congress of the Confederate States, as chancellor of William and Mary College, as Vice President of the United States, and as Chief Magistrate of the Republic—in all these high places of honor and of trust he acted well his part and wrote his own eulogy upon the pages of his country's history.

By his brilliant talents and attainments, his unyielding devotion to principle, his ardent patriotism and lofty integrity, and, above all, by the spotless purity of his public and private character, he won the undying admiration of his countrymen and shed enduring luster upon the American name.

His remains now lie interred at Hollywood Cemetery, in the city of Richmond, near the last resting place of James Monroe. We submit that the erection of a suitable shaft to mark the spot where his ashes repose would be recognized by the American people as a pious and patriotic duty, and that in thus honoring him we would do honor to ourselves.

Accordingly, your committee report back the joint resolution with a favorable recommendation.

COMPILATION OF SENATE ELECTION CASES.

APRIL 30, 1898.—Ordered to be printed.

Mr. RICHARDSON, from the Committee on Printing, submitted the following

REPORT.

[To accompany Senate Con. Res. No. 25.]

The Committee on Printing, having had under consideration Senate Concurrent Resolution No. 25, to print 3,000 copies of Senate Miscellaneous Document No. 67, Fifty second Congress, second session, and an appendix thereto, recommend that the same be agreed to.

The Public Printer estimates the cost of printing under this resolution at \$2,013.



GRANTING ADDITIONAL QUARANTINE POWERS, ETC.,
UPON MARINE-HOSPITAL SERVICE.

APRIL 30, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CORLISS, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 4363.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 4363) entitled "A bill amending 'An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service,' approved February fifteenth, eighteen hundred and ninety-three," having had the same under careful consideration, respectfully submit the following report and recommendation:

In the consideration of this important measure your committee were urged to consider the advisability of the establishment of a national board of health, or the creation of a department of health entirely separate from the Marine-Hospital Service; but from the evidence submitted, in the opinion of the committee, the public health and interests would be best subserved by retaining the present system of quarantine under the management of the Marine-Hospital Service with its hospitals, quarantine stations, improved apparatus for the investigation of disease germs, and corps of efficient officers, many of whom have had experience in the prevention and treatment of infectious diseases, and especially of yellow fever. The expansion of this service sufficient to properly perform the quarantine requirements of the proposed measure may be made without the expenditure of a large amount of money, and insure the efficient performance of the service.

The unfortunate experience of last year in the treatment of yellow fever demonstrates the absolute and immediate necessity of so amending existing laws as to enlarge the powers of the Marine-Hospital Service in such a manner as to destroy the constant friction and collision between Federal and State officials, for the evils of the present system have become intolerable.

During the season just ended hundreds of lives were lost by reason of defects in existing law, the commerce of the entire South was paralyzed, and the rights of citizens disregarded by lawless methods.

Cities and towns were quarantined against rival communities, producing bitter controversy, and railway trains passing from one State to another were prohibited from proceeding, the passengers in many cases being forcibly taken from the cars and carried to improvised fever camps, where they were exposed to hardship and contagion.

The amount of damage inflicted upon the country by the shotgun quarantine can never be accurately stated, but it certainly amounted to many millions, and the possibility of its existence is a stigma upon our institutions and civilization.

CHANGES PROPOSED.

In the consideration of this measure it is necessary to compare its provisions with those of the act of February 15, 1893, which it amends.

The first amendment to the act of 1893 provides that in section 1 the following words shall be stricken out, viz, "and with such rules and regulations of State and municipal health authorities as may be made in pursuance of or consistent with this act." The effect of this amendment is to obviate the necessity of the National Government enforcing unnecessary quarantine rules and regulations made by State and local authorities.

The second amendment to the act of 1893 consists in striking out entirely section 3 and substituting a new section 3 in its place. Both the old section 3 and the new section 3 relate to two different forms of quarantine—one maritime and the other interstate. It will be necessary to consider them separately.

This bill requires the Secretary of the Treasury to make such rules and regulations as are necessary to prevent the introduction into the United States of any infectious or contagious disease from any foreign port or place. The present law (1893) provides that the Secretary of the Treasury shall make regulations for ports in the United States where there are no quarantine regulations provided by the State or local authorities, and for ports where the quarantine regulations are deemed insufficient the Secretary is authorized to make additional rules and regulations.

The necessity of the amendment is apparent from the fact that at some ports where local quarantines are maintained the health authorities have formulated no regulations, but the health officer or quarantine physician is authorized to exercise his judgment in matters pertaining to quarantine. It is therefore necessary, in order to obtain uniformity in quarantine rules at the various ports of the United States, that the General Government be authorized to prepare quarantine regulations which shall be observed at all ports of entry without reference to local quarantine regulations.

Section 3 of the present law (1893) further requires that all these rules and regulations shall be executed by the State or municipal authorities when they will undertake to execute or enforce them, but if they fail or refuse the President shall execute and enforce them and adopt such measures as in his judgment shall be necessary. Under the terms of this bill practically the same provisions exist; but it is further provided, on page 3, first twelve lines, that at any port or place in the United States where the Secretary of the Treasury shall deem it necessary that incoming vessels should be inspected by a national quarantine officer, such officer shall be designated. The necessity for this provision lies in the fact that under the present law too much time and opportunity for dispute as to whether the regulations

have failed of enforcement is permitted before the President can be called upon to act. This portion of the bill also provides necessary law for the establishment of national quarantine on the Canadian and Mexican borders. The Government should be in position to have actual knowledge of whether the national quarantine rules and regulations are being enforced at all times by State and municipal health officers.

Further provisions for maritime quarantine in this bill, and which are not included in the present law, are as follows:

First. On page 3, lines 13 to 23, inclusive. This paragraph is intended to authorize such sanitary measures as may be necessary with regard to vessels from foreign ports coming within the waters of the United States without a bill of health and not entering, or attempting to enter, any port of the United States. It is intended particularly to prevent the introduction of contagious diseases, particularly from Cuban and other West Indian ports, by vessels engaged in smuggling. These vessels are generally from Habana, and lie in the worst portion of that infected port, and their crews are frequently new recruits from Spain, not acclimated to yellow fever, and are liable to have this disease and to communicate it either to other vessels or to the shores of the United States where smuggling may be carried on.

Second. Page 3, lines 24 and 25, and page 4, lines 1 to 5, inclusive. This provision is to give definite and distinct character to the quarantine stations of the United States which have been established in the last ten or twelve years under previous laws, and to definitely fix their status.

Third. The remainder of page 4, with the exception of the last two lines, provides the penalties necessary for the proper enforcement of the law.

Fourth. Lines 24 and 25 of page 4, and 1 to 4, inclusive, of page 5, authorize the medical officers of the United States to administer oaths in matters pertaining to the administration of the quarantine laws and regulations.

With regard to the interstate features of this bill, beginning at line 5, on page 5, the portion thereof included in lines 5 to 20 is practically the same as in the present law, with the exception that the General Government is not obliged to enforce the local quarantine rules and regulations, many of which are absurd, the enforcement of which would render nugatory the regulations of the Government.

The committee have suggested an amendment to this paragraph at the end of line 20, for the purpose of sustaining local municipal and State quarantine authorities, so long as the introduction and spread of diseases are properly controlled and treated.

The remainder of page 5 and page 6 relates particularly to occasions when the country is so unfortunate as to have had admitted yellow fever, cholera, plague, or typhus fever.

To enable the General Government to do effective quarantine work at such times, it is necessary that the rules and regulations of the Government be made supreme. It is possible under the existing law for the local quarantines of the various small cities in the interior to prevent the carrying out of necessary measures adopted by the General Government, and also to completely paralyze commercial intercourse between the States. This was clearly demonstrated in the recent epidemic of yellow fever in the South, where the local quarantine authorities prevented the United States inspectors, and even State health officers, from entering the towns where fever was prevailing, and also prevented the shipment of supplies and the movement of necessary camp equipage. Effective work in times of epidemics can not be brought about except

there is uniformity of regulation, and authority to carry the same into effect.

Section 6, page 7, of this bill is the same as section 6 of the present law, with the single exception that the pratique of the national quarantine officer is made effective regarding vessels inspected as well as vessels which have been disinfected.

Section 8, pages 7 and 8, of this is the same as in the present law, except that it provides for the purchase as well as rental of State or local quarantines and means of paying for the same.

In conclusion I have to state that the present bill corrects defects in the present law which have been demonstrated since the law of 1893 was passed, and I am of the opinion that the law should be amended as indicated by the bill H. R. 4363.

At the end of section 8, page 8, the committee suggest an amendment authorizing the Secretary of the Treasury, on the recommendation of the Surgeon-General, when deemed necessary, to appoint at each port exposed to yellow fever, or where such disease has been introduced, a port sanitary inspector familiar with the symptoms of the disease and skilled in its treatment, as a further precautionary measure.

PURPOSE, SCOPE, AND AUTHORITY.

The pending measure has two provisions. First, the maritime quarantine; second, the interstate quarantine; and they both stand upon the same basis; that is, the necessity of uniform and efficient regulation. There is no difference whatever as to the necessity about requiring the same efficient law, the same regular execution of the law, in the case of maritime quarantine and in the case of interstate quarantine.

The purpose of this act is to preserve the public health and maintain the general welfare of the people, and where the municipal or State authorities are able to efficiently cope with infectious, contagious, or epidemic diseases under the rules and regulations of law, their right is to be preserved and supplemented by the aid of the National Government; but in case of an epidemic the strong protective arm of the National Government can be used in the execution of a supreme authority and power over quarantine.

The constitutional right of the Federal Government, in the light of the decisions of the Supreme Court, can not be questioned.

Beginning with the case of *Gibbons v. Ogden*, in 9 Wheaton, a large number of decisions have been rendered by the Supreme Court of the United States as to quarantine powers of the Federal and State governments, but the substance of all these opinions is expressed by Justice Davis in *Peete v. Morgan* (19 U. S., 581):

That the power to establish quarantine laws rests with the States, and has not been surrendered to the General Government, is settled in *Gibbons v. Ogden*.

The source of this power is in the acknowledged right of a State to provide for the health of its people, and although this power when set in motion may in a greater or less degree affect commerce, yet the laws passed in the exercise of this power are not enacted for such an object. They are enacted for the sole purpose of preserving the public health, and if they injuriously affect commerce, Congress, under the power to regulate it, may control them.

In the case of *Morgan Steamship Company v. Louisiana*, involving the constitutionality of a Louisiana statute for collection of quarantine fees (118 U. S., 465), Mr. Justice Miller, delivering the opinion of the court (Mr. Justice Bradley alone dissenting), used this language:

Whenever Congress shall undertake to provide a general system of quarantine all the State laws inconsistent with said enactment will be abrogated, but until this is done the laws of the State on the subject are valid.

Mr. Justice Miller also said in this case:

For while it (the statute of Louisiana in question) may be a police regulation in the sense that all provisions for the health, comfort, and security of the citizens are police regulations and are an exercise of the police power, it has been said more than once in this court that even where such powers are so exercised as to come within the domain of Federal authority as defined by the Constitution, the latter must prevail. (*Gibbons v. Ogden*, 9 Wheat, 1; *Henderson v. Mayor*, 92 U. S., 259; *New Orleans Gas Co. v. La. Lgt. Co.*, 115 U. S.)

In the case of *Hannibal and St. Joe Railway v. Husen* (95 U. S., 465), a statute of Missouri prohibiting the driving or conveying of any Texas, Indian, or Mexican cattle into the State between March 1 and November 1 of each year was declared unconstitutional. Mr. Justice Strong, delivering the opinion of the court (which was unanimous), said:

While we unhesitatingly admit that a State may pass sanitary laws and laws for the protection of life, liberty, health, or property within its borders; while it may prohibit persons and animals suffering under contagious or infectious diseases, or convicts, etc., from entering the State; while for the purposes of self-protection it may establish quarantine and reasonable inspection laws, it may not interfere with transportation into or through the State beyond what is absolutely necessary for its self-protection.

Under the decisions in *Peete v. Morgan and Morgan Steamship Company v. Louisiana* it is clear that Congress has the power to control the operation of State quarantine laws when, in its opinion, they injuriously affect commerce among the States, and whenever Congress enacts a general quarantine law all State laws in conflict with it are abrogated.

In the recent case of *Hennington v. Georgia* (163 U. S. Reports, p. 309), Justice Harlan, in delivering the opinion of the court, states:

If the inspection, quarantine, or health laws of a State, passed under its reserved power to provide for the health, comfort, and safety of its people, come into conflict with an act of Congress, passed under its power to regulate interstate and foreign commerce, such local regulations, to the extent of the conflict, must give way in order that the supreme law of the land—an act of Congress passed in pursuance of the Constitution—may have unobstructed operation.

It would be strange, indeed, if, when a State refuses or neglects to make proper laws and regulations against contagious diseases, or provide for their suppression and control, Congress must stand helpless while commerce among the States is destroyed and our citizens slaughtered by an epidemic.

The committee, with a deep sense of the responsibility resting upon them, after earnest inquiry and deliberation, recommend the passage of this measure with the following amendments:

At the end of line 20, page 5, insert the following:

Provided however, That nothing in this act contained shall be so construed as to authorize the Secretary of the Treasury to interfere with the State or municipal authorities in the regulation of local affairs so long as the introduction and spread of diseases are properly controlled and treated: *Provided further*, That there shall be no interference with authorized medical officers charged with the duty of carrying out the authorized regulations, who shall be permitted to freely pass, with such property and appliances as may be designated in such regulations, from State to State and from point to point in a State, and remain at such points as long as may be deemed necessary to properly control all infected places and treat such infection and prevent the spread of the same.

At the end of section 8, page 8, add the following:

That the Secretary of the Treasury, on the recommendation of the Surgeon-General of the Marine-Hospital Service, shall, whenever he may deem it necessary, appoint in each port exposed to yellow fever, or where such disease has ever been introduced, a port sanitary inspector, who shall have been a practicing physician for at least five years before his appointment at said port, and who shall be familiar with the symptoms of the disease hereinbefore mentioned, and skilled in its prevention and treatment.

It shall be the duty of the port sanitary inspectors or quarantine physicians so appointed to make careful examination of the sanitary condition and surroundings of the ports where they reside and for which they are appointed, and to report each month, or oftener, if required so to do, the facts as to the sanitary condition of such ports to the Surgeon-General of the Marine-Hospital Service, with such suggestions and recommendations as they may think necessary and proper. The said port sanitary inspectors shall perform such other duties in treating yellow fever or other infectious diseases as the Surgeon-General of the Marine-Hospital Service shall direct; and they shall each be paid from the Treasury, upon vouchers signed by the Surgeon-General of the Marine-Hospital Service, the sum of fifteen hundred dollars annually, payable, in equal quarterly installments, on the first days of January, April, July, and November.

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ADDITIONAL QUARANTINE, ETC., MARINE-HOSPITAL SERVICE.

MAY 2, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, submitted the following as the

VIEWS OF THE MINORITY.

[To accompany H. R. 4363.]

The undersigned members of the Committee on Interstate and Foreign Commerce are unable to concur with the majority of that committee in reporting with favorable recommendation the bill amending an act granting additional quarantine powers, etc., approved February 15, 1893, and therefore submit their views as follows:

We are not willing that the General Government should either assume duties and responsibilities not clearly imposed upon it, or invade the well-settled prerogatives and powers of States and municipalities by seeking to interfere with their efforts to protect their citizens against the dangers of epidemic diseases. With infinitely superior resources the Federal Government is able to render valuable assistance when communities are battling against the introduction and spread of diseases, but there should be no attempt to prohibit or discourage local authorities from taking all possible precaution and adopting any additional measures for the preservation of the public health.

It may be wise to hold in mind the distinction between quarantine and commerce, rather than confound all other considerations with the demands of trade. All quarantine regulations conflict with the absolute freedom of commerce and necessarily operate in restraint thereof, just as disease and death "call a halt" to life and activity, and bid all enterprises of business and profit stop and secure life and safety before seeking the further promotion of commercial interests.

Quarantine is entirely negative and preventive. It may be used by the Government to prevent entrance or movement of person or property. It may be used in the same way by States and municipalities, each authority may prohibit as long as it sees proper; neither authority may properly compel the movement and admission of persons and property as long as the other authority objects or imposes quarantine. As long as any one or all object there can be no admission. When no authority lays quarantine, then movements are absolutely free.

One authority may be more alert than the other, and scent danger where the other fancies perfect security. In such case there can be no question of the right to provide against danger. Quarantine interdicts traffic and travel in the hope of preventing contagion and epidemic. A municipality may impose it when the State in which it is situated may apprehend no danger. So a State may act when the General Government discovers no reason for its own action.

2 ADDITIONAL QUARANTINE, ETC., MARINE-HOSPITAL SERVICE.

The object of quarantine is not to promote commerce, but to secure life and health by providing against the introduction and spread of contagious diseases, and the regulation of commerce ought not to be utilized as a pretext for legislation which might, whether intended or not, frequently result in breaking down and prohibiting the efforts of the people to protect their health and lives.

Quarantine regulations ought to be considered and adopted with a view, independently and solely, to the suppression of disease and the preservation of life, and not to stimulate money getting. There is no shadow of authority for the attempt, even in the name of commerce, to interfere in matters entirely within a State. There can be no pretense that the Constitution ever authorized that, and statutes to that effect would be utterly void as obnoxious to the Constitution, which restricts the power of Congress to "commerce with foreign nations," "among the States," and "with the Indian tribes," and not within any State.

In accordance with these views, we recommend the following amendments to the bill reported by the majority of the committee:

On fifth page strike out everything inclusive from the word "enforced," eleventh line, to the word "act," in the seventeenth line.

Strike out everything inclusive from the word "provided," in the twentieth line, same page, to the word "with," first line of page six.

Before the word "authorized," in first line, sixth page, insert the word "the."

After the word "officers," in first line of sixth page, insert "of the United States."

In the third line, sixth page, strike out the word "who."

Strike out all inclusive from line 9, sixth page, to line 11, seventh page, and insert in lieu thereof:

Provided, That nothing in this or any other Federal enactment shall be construed to deny or interfere with the power of States and municipalities to prescribe and enforce additional safeguards of the health of their communities: *Provided further*, That no law of the United States nor regulation adopted by the Secretary of the Treasury shall compel the admission of persons or property into any State, if forbidden by local quarantine, except for the purpose of passing through such State; nor shall Federal law or regulations interfere in any manner with movements of persons or property between different points in the same State, nor with any State or municipal quarantine provision for protection of life and health within its own limits; but the Secretary of the Treasury is authorized whenever so requested to aid such State or municipal authorities in enforcing its regulations and preventing the spread of disease.

We hereto append copy of the bill reported, so altered as to show how the entire bill will read when the amendments we propose are made.

Respectfully submitted.

W. C. ADAMSON.
ROBT. W. DAVIS.

SUBSTITUTE BILL.

A bill amending "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February fifteenth, eighteen hundred and ninety-three.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That "An act granting additional quarantine powers and imposing additional duties upon the Marine-Hospital Service," approved February fifteenth, eighteen hundred and ninety-three, be amended by striking out the following words in section one: "And with such rules and regulations of State and municipal health authorities as may be made in pursuance of or consistent with this

act," and striking out section three and inserting the following in the place of said section:

"SEC. 3. That immediately after the passage of this act the Secretary of the Treasury shall make such rules and regulations as are necessary to prevent the introduction into the United States of any infectious or contagious disease from any foreign port or place, or the spread of such diseases from one domestic port to another, and such necessary rules and regulations as shall be observed by vessels or vehicles departing from foreign ports or places for ports or places in the United States to secure the best sanitary condition of such vessels or vehicles, their cargoes, passengers, and crews, which rules and regulations shall be published and communicated to and enforced by consular, quarantine, and customs officers of the United States and the State and local quarantine officers of the United States. All rules and regulations made by the Secretary of the Treasury shall operate uniformly, so far as climatic conditions will justify, in the interest of security against the introduction or spread of said infectious and contagious diseases, and shall not discriminate against any port or place. None of the penalties herein imposed shall attach to any vessel from a foreign port, or owner or officer thereof, until a copy of this act, with the rules and regulations made in pursuance thereof, has been posted up in the office of the consul or other consular officer of the United States for ten days in the port from which said vessel sailed, and the certificate of such consul or consular officer, over his official signature, shall be competent evidence of such posting in any court of the United States.

"At any port or place in the United States where the Secretary of the Treasury shall deem it necessary for the prevention of the introduction of contagious or infectious disease from a foreign port or place that incoming vessels, vehicles, or persons shall be inspected by a national quarantine officer, such officer shall be designated or appointed by the Secretary of the Treasury, on recommendation of the Surgeon-General of the Marine-Hospital Service, and at any such port or place no vessel, vehicle, or person from a foreign port or place shall be admitted to entry or enter without the certificate of said officer that the United States quarantine regulations have been complied with.

"Any vessel sailing from any foreign port without a United States consular bill of health, and arriving within the limits of any collection district of the United States, and not entering or attempting to enter any port of the United States, shall be subject to such quarantine measures as shall be prescribed by regulations of the Secretary of the Treasury, and the cost of such measures shall be a lien on said vessel, to be recovered by proceedings in the proper district court of the United States and in the manner set forth above as regards vessels from foreign ports without bills of health and entering any port of the United States.

"National quarantine stations now in operation shall be conducted in accordance with the provisions of this act, and the Supervising Surgeon-General, with the approval of the Secretary of the Treasury, is authorized to designate and mark the boundaries of the quarantine grounds and quarantine anchorages for vessels, which are reserved for use at each United States quarantine station; and any vessel, or officer of any vessel, or other person, trespassing upon such grounds or anchorages, in disregard of the quarantine rules and regulations, shall be deemed guilty of a misdemeanor and subject to arrest, and, upon conviction thereof, be punished by a fine of not more than three hundred dollars, or imprisonment for not more than one year, or both, in the discretion of the court.

"And any master or owner of any vessel, or any person violating any provision of this act or any rule or regulation made in accordance with this act, relating to inspection of vessels, or relating to the prevention of the introduction of contagious or infectious disease, and any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of said vessel or its contents, or as to the health of any passenger or person thereon, shall be deemed guilty of a misdemeanor and subject to arrest, and, upon conviction thereof, be punished by a fine of not more than five hundred dollars, or imprisonment for not more than one year, or both, in the discretion of the court.

"Medical officers of the United States, duly clothed with authority to act as quarantine officers at any port or place within the United States, and when performing such duties, are hereby authorized to take declarations and administer oaths in matters pertaining to the administration of the quarantine laws and regulations of the United States.

"The Secretary of the Treasury shall, whenever in his judgment it is necessary, make rules and regulations to prevent the introduction of infectious or contagious diseases into one State or Territory or the District of Columbia, from another State, Territory, or the District of Columbia, and when such rules and regulations have been made they shall be promulgated by the Secretary of the Treasury, and the President shall execute and enforce the same, and adopt such measures as in his

4 ADDITIONAL QUARANTINE, ETC., MARINE-HOSPITAL SERVICE.

judgment shall be necessary to prevent the introduction or spread of such diseases, and may detail or appoint officers for that purpose, who with the authorized medical officers of the United States charged with the duty of carrying out the authorized regulations, shall be permitted to freely pass, with such property and appliances as may be designated in such regulations, from State to State and from point to point in a State, and remain at such points as long as may be deemed necessary to properly control all infected places and treat such infection and prevent the spread of the same: *Provided*, That nothing in this or any other Federal enactment shall be construed to deny or interfere with the power of States and municipalities to prescribe and enforce additional safeguards of the health of their communities: *Provided further*, That no law of the United States nor regulation adopted by the Secretary of the Treasury shall compel the admission of persons or property into any State, if forbidden by local quarantine, except for the purpose of passing through such State; nor shall Federal law or regulations interfere in any manner with movements of persons or property between different points in the same State, nor with any State or municipal quarantine provision for protection of life and health within its own limits; but the Secretary of the Treasury is authorized, whenever so requested, to aid such State or municipal authorities in enforcing its regulations and preventing the spread of disease."

That section six of said act shall be amended to read as follows:

"That on the arrival of an infected vessel at any port not provided with proper facilities for treatment of the same the Secretary of the Treasury may remand said vessel, at its own expense, to the nearest national or other quarantine station where accommodations and appliances are provided for the necessary disinfection and treatment of the vessel, passengers, and cargo; and after treatment of any infected vessel or inspection of any vessel not infected at a national quarantine station, and after certificate shall have been given by the United States quarantine officer at said station that the vessel, cargo, and passengers are each and all free from infectious disease, or danger of conveying the same, said vessel shall be permitted to enter and admitted to entry at any port of the United States named within the certificate. But at any ports where sufficient quarantine provision has been made by State or local authorities the Secretary of the Treasury may direct vessels bound for said ports to undergo quarantine at said State or local station."

That section eight of said act shall be amended to read as follows:

"That whenever the proper authorities of a State shall surrender to the United States the use of the buildings, grounds, and disinfecting apparatus at a State or municipal quarantine station the Secretary of the Treasury shall be authorized to purchase them at a reasonable compensation, or pay a reasonable rental for their use, if, in his opinion, they are necessary to the United States; and the expense of said purchase or rental is made payable from the epidemic fund.

"That the Surgeon-General of the Marine-Hospital Service shall, whenever he may deem it necessary, appoint in each port exposed to yellow fever, or where such disease has ever been introduced, a port sanitary inspector, who shall have been a practicing physician for at least five years before his appointment at said port, and who shall be familiar with the symptoms of the disease hereinbefore mentioned, and skilled in its prevention and treatment.

"It shall be the duty of the port sanitary inspectors or quarantine physicians so appointed to make careful examination of the sanitary condition and surroundings of the ports where they reside and for which they are appointed, and to report each month, or oftener, if required so to do, the facts as to the sanitary condition of such ports to the Surgeon-General of the Marine-Hospital Service, with such suggestions and recommendations as they may think necessary and proper. The said port sanitary inspectors shall perform such other duties in treating yellow fever or other infectious diseases as the Surgeon-General of the Marine-Hospital Service shall direct; and they shall each be paid from the Treasury, upon vouchers signed by the Surgeon-General of the Marine-Hospital Service, the sum of fifteen hundred dollars annually, payable in equal quarterly installments on the first days of January, April, July, and November."



JONATHAN S. WILLIS v. L. IRVING HANDY.

APRIL 30, 1898.—Ordered to be printed.

Mr. TAYLER, of Ohio, from the Committee on Elections No. 1, submitted the following

REPORT.

[To accompany House Res. No. 296.]

The Committee on Elections No. 1, to whom was referred the contested election case of Jonathan S. Willis v. L. Irving Handy, from the State of Delaware, respectfully report as follows:

The contestee, by the official returns, received 15,407 votes and the contestant 11,159. A notice of contest was served on the contestee, but the contestant took no further formal action. He appeared before your committee and declared his opinion that the contestee's seat could not be successfully attacked and that he had abandoned the contest.

Your committee therefore recommend the adoption of the following resolutions:

“Resolved, That Jonathan S. Willis was not elected a Representative to the Fifty-fifth Congress from the State of Delaware, and is not entitled to a seat therein.

“Resolved, That L. Irving Handy was duly elected a Representative to the Fifty-fifth Congress from the State of Delaware, and is entitled to his seat therein.”



SUNDRY CIVIL BILL.

APRIL 30, 1898.—Ordered to be printed.

Mr. CANNON, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 8428, with Senate amendments.]

The Committee on Appropriations, to whom was referred the bill (H. R. 8428) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1899, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend nonconcurrency in all of the amendments of the Senate.



CORDELIA CHENEY.

MAY 2, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BOTKIN, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 5153.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5153) granting a pension to Cordelia Cheney, have considered the same and the evidence and respectfully report:

This bill proposes to pension the claimant, Cordelia Cheney, of Lunenburg, Vt., at \$12 per month, as the widow of Nelson Cheney, late of Company K, Eighth Vermont Volunteers, who served from December 9, 1861, to June 22, 1864. The records show that soldier entered marine general hospital, New Orleans, La., March 9, 1864, with pneumonia, and was returned to duty June 3, 1864.

The testimony of neighbors tends to show that soldier suffered with some affection of chest organs. He filed and established a claim for varicose veins, and appears to have been pensioned therefor. He died December 20, 1881, from disease of heart, as appears by the town records of Lunenburg, Vt. He was married to this claimant February 1, 1867, and they lived together as man and wife until soldier died.

The claimant filed a claim under the general law February 11, 1882, which has never been adjudicated. It appears from evidence filed that in March, 1856, she was married to Charles Carby, with whom she lived as his wife until about the time of the drafts during the war, when he left her and went to Canada. She took her children, of whom there were three, and followed him to Canada, but he refused to live with her any more, and she returned to New York where she was for some time at the poor farm. She has never been able to find Carby since, nor has she been able to secure positive proof of his death. Her first husband, Carby, not returning, and she having heard that he was dead, she was married to the soldier as above stated February 1, 1867.

Her marriage to the soldier has been recognized as valid and the property left by the soldier became hers. She has been unable to establish her claim in the Pension Office by proving the death of her first husband.

The claimant is now about 66 years of age, and it is shown that she is a woman of good character, and in necessitous circumstances. It is more than probable that the soldier's death was the result of disabilities incurred in the service.

The bill is reported back with the recommendation that it pass when amended as follows:

In line 5 strike out "Mrs."

In line 7 strike out the word "grant" and insert in lieu thereof the word "pay."

In line 7, after the word "pension," insert the words "at the rate."

Strike out all after the word "month," in line 8.

Amend the title so it will read: "A bill granting a pension to Cordelia Cheney."

○

ELIZA J. MEAD.

MAY 2, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions,
submitted the following

R E P O R T.

[To accompany H. R. 2869.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2869) granting a pension to Eliza J. Mead, have examined the same and the evidence relating thereto and report:

This bill proposes to restore to the pension roll, at \$10 per month, the name of Eliza J. Mead, of Waltham, Mass., as the widow of James W. Mead, who served as acting third assistant engineer (ranking with midshipman) on the U. S. S. *Dumbarton*, United States Navy, from July 21, 1864, to April 18, 1865, when his resignation was accepted.

He died April 6, 1872, from disease of the liver and bowels, due to malarial poisoning contracted in the service, and this claimant filed and established a claim as his widow and was pensioned at \$10 per month from the date of her husband's death to August 25, 1880, and \$2 additional on account of one minor until March 2, 1876, when the child reached 16 years.

On the 25th of August she was married to Albert Higgins. She was divorced from him December 13, 1886, with leave to resume the name of her former husband.

She was married to James W. Mead January 8, 1857, and is 61 years of age.

This claimant is now a widow in necessitous circumstances and a woman of good character. She was the wife of the soldier during the war.

The bill is therefore reported back with the recommendation that it pass, when amended as follows:

In line 4 strike out the words "pay to" and insert in lieu thereof the following: "place on the pension roll, subject to the provisions and limitations of the pension laws, the name of."

In line 6, after the word "Dumbarton," insert the words "and pay her."

Strike out line 7.

Amend the title so as to read: "A bill granting a pension to Eliza J. Mead."

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE
CHICAGO, ILLINOIS

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ROBERT LITZINGER.

MAY 2, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STURTEVANT, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 10135.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10135) granting an increase of pension to Robert Litzinger, have examined the same and the evidence and respectfully report:

This bill, as amended, proposes to increase from \$8 to \$30 per month the pension of Robert Litzinger, of Johnstown, Pa.

This soldier had a long, faithful, and arduous service, first in the war with Mexico and then during the late civil war, where he served with distinction as captain Company A, Eleventh Pennsylvania Reserve Infantry, and later as major, and also as captain Company C, Two hundred and ninth Pennsylvania Infantry Volunteers.

The soldier is now poor and 69 years of age, and suffers from chronic liver and bowel disease, the latter probably of service origin. He has two daughters, one 51 years of age, and the other 48 years of age, mentally afflicted so that she has to be cared for by others, and she is dependent on the soldier. These daughters constitute the family. The pension of \$8 per month, which he draws as a Mexican veteran, constitutes their only income.

An increase of this soldier's pension to \$30 per month is fully warranted, and your committee report the bill back with the recommendation that it pass when amended as follows:

In line 6 strike out "of Johnstown, Pennsylvania."

In line 11 strike out the words "that he receives," and insert in lieu thereof the words "pay him;" and in same line, after the word "pension," insert the words "at the rate."

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, April 25, 1898.

SIR: Referring to your letter of the 24th instant, received to-day, in which you request that a statement of the military record of Capt. Robert Litzinger, late of Company A, Eleventh Pennsylvania Reserves, and Company C, Two hundred and ninth Pennsylvania Volunteers, be furnished you, I am directed by the Secretary of War to inform you that the records show that Robert Litzinger was mustered into

service July 29, 1861, as captain in Company A, Eleventh Pennsylvania Reserves Infantry (also known as the Fortieth Pennsylvania Volunteers), to serve three years, and as major of the same regiment November 1, 1861. He appears to have been present with his command until February 18, 1862, when he was granted a leave of absence for twenty days on account of ill health. While at home he tendered his resignation on account of disability, and was honorably discharged the service April 1, 1862, in accordance with the provisions of Special Orders, No. 18, from the headquarters of the First Army Corps, of the same date.

The records also show that one Robert Litzinger was mustered into service September 15, 1864, as captain in Company C, Two hundred and ninth Pennsylvania Infantry Volunteers, to serve one year. The muster rolls of his company to December 31, 1864, report him present, and for February 28 and April 30, 1865, as absent on detached service at Philadelphia, Pa. He was mustered out and honorably discharged the service to date from June 4, 1865, by reason of the muster out of his command, in accordance with the provisions of paragraph 68 of Special Orders, No. 294, from the War Department, dated June 10, 1865.

Very respectfully,

F. C. AINSWORTH,
Colonel, U. S. Army, Chief Record and Pension Office.

Hon. J. D. HICKS,
House of Representatives.

STATE OF PENNSYLVANIA, County of Cambria, ss:

On this 25th day of April, A. D. 1898, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, William B. Kellar, aged 51 years, a resident of Johnstown, in the county of Cambria, State of Pennsylvania, whose post-office address is Johnstown, Pa., who, being duly sworn according to law, deposes and says in relation to aforesaid case as follows:

I have been acquainted with Robert Litzinger for thirty-four years. He is a pensioner of the Mexican war at the rate of \$8 per month. He was captain of Company A, Eleventh Regiment Pennsylvania Volunteer Reserve Corps; promoted major of said regiment; also captain Company C, Two hundred and ninth Regiment Pennsylvania Volunteers. He is at present very sick, and has been bedfast since last February. He has two daughters, aged past 50 years, one of whom is demented and almost helpless, and that he is at present in destitute circumstances, having only the \$8 per month pension as total income. And affiant further declares that he has no interest in said case and is not concerned in its prosecution.

WM. B. KELLAR,
Vice-Commander Department Pennsylvania, Grand Army of the Republic.

Sworn and subscribed to before me this day by the within-named affiant, and I certify that I read said affidavit to affiant and acquainted affiant with its contents before the same was executed. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution.

[SEAL.]

I. E. ROBERTS,
Notary Public.

STATE OF PENNSYLVANIA, County of Cambria, ss:

Alfred Heslop, a citizen of said city, being duly affirmed according to law, declares that he is 56 years of age and has been acquainted with Robert Litzinger, now of said city, for over twenty years, who is now in the 69th year of his age, and that at this time he is very ill; that he and his family are destitute and are being supported by the charity of his friends. His family consist of two daughters, Letitia J., aged 51 years, and Rose H., aged 48 years, and that the latter is mentally afflicted so that she can not take entire care of herself, and that their only income is \$8 per month, which he receives on pension certificate No. 20039, for his services in the Mexican war. He was fifer in Company D, Second Regiment of Pennsylvania Volunteers in that war, and was captain of Company A, Eleventh Pennsylvania Reserves in the civil war, where he was promoted to be major. He also was commissioned and served as captain of Company C, Two hundred and ninth Pennsylvania Volunteers, subsequently.

ALFRED HESLOP.

Affirmed and subscribed to this 25th day of April, 1898.

[SEAL.]

I. E. ROBERTS,
Notary Public.

George T. Swank, editor and proprietor of the Johnstown Daily and Weekly Tribune, being duly sworn according to law, declares that he has known Maj. Robert Litzinger for the past twenty-five years, and that the facts set forth in the foregoing statement are true and correct to the best of his knowledge and belief.

GEORGE T. SWANK.

Sworn to and subscribed before me this 25th day of April, 1898; and further, that Alfred Heslop and George T. Swank are well known to me, and are residents of said city.

[SEAL.]

I. E. ROBERTS, *Notary Public*.

STATE OF PENNSYLVANIA, *County of Cambria*, ss:

In the pension claim of Robert Litzinger, late of Company D, Second Regiment Pennsylvania Volunteers, in Mexican war; also of captain of Company A, Eleventh Pennsylvania Reserves, in the civil war; and captain Company C, Two hundred and ninth Regiment Pennsylvania Infantry.

Personally came before me, a notary public in and for the aforesaid county and State, Dr. Horace E. Kistler, whose post-office address is Johnstown, Pa., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is a practicing physician, and has been acquainted with the above-named soldier for about six years, and that he has been his medical adviser during that time, and has treated him almost constantly for chronic liver and bowel disease; that the above-named soldier has been bedfast since the 3d day of February, 1898, suffering with inflammation of the liver, jaundice, and catarrhal inflammation of the bowels, and that he is now in a critical condition.

He further declares that he has been a practitioner of medicine for thirteen years, and that he has no interest, either direct or indirect, in the claim to which this affidavit is supplementary, and is not engaged in its prosecution.

HORACE E. KISTLER, M. D.

Sworn to and subscribed before me this 25th day of April, A. D. 1898; and I hereby certify that the affiant is a practicing physician in good professional standing; that the contents of the foregoing affidavit were fully made known to him before its execution. I have no interest, direct or indirect, in this claim, and am not engaged in its prosecution.

[SEAL.]

I. E. ROBERTS, *Notary Public*.

O

ELLEN WRIGHT.

MAY 2, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. RAY, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 312.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 312) granting a pension to Ellen Wright, have examined the same and the evidence relating thereto and respectfully report:

This bill, as amended, proposes to pension at \$12 per month Ellen Wright, of New Bedford, Mass.

Ellen Wright served as a nurse in hospitals in and around Washington, D. C., some four or five months, during which service she contracted malaria, on account of which she alleges she had to leave the service. She has no title to pension under existing law, but she alleges that her health has ever since been poor in consequence of the malaria so contracted, and evidence filed with the committee shows that she suffered with malarial chills and fever for a year after her return from the service. It is also shown that she or her husband have no property or income, are over 60 years of age, and her husband is a cripple as the result of an accident.

Claimant is shown by medical evidence to be totally incapacitated for manual labor.

Your committee are of the opinion that the women who actually served as nurses during the late war of the rebellion, and who are now old and poor, are entitled to a reasonable pension.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 4 strike out the words "of the Bureau of Pensions."

In line 5 strike out the words "at the rate of twenty dollars per month as," and insert in lieu thereof the words "who served as a."

At the end of line 8 add the words "and pay her a pension at the rate of twelve dollars per month."

Amend the title so it will read, "A bill granting a pension to Ellen Wright."

STATE OF MASSACHUSETTS, *County of Bristol, ss:*

In the matter of pension as army nurse in 1862-63, for Mrs. Ellen Wright, late Miss Ellen Gibbs.

Personally came before me, a notary public, in and for aforesaid county and State, Mrs. Ellen Wright, aged 64 years, citizen of the town of New Bedford, county of Bristol, State of Massachusetts, (290 Purchase street), well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

Miss D. Dix, of Washington, D. C., wrote to Mrs. Jos. Delano, of New Bedford, Mass., for army nurses. Mrs. Delano requested me to go to Miss Dix, which I did in September, 1862, and was assigned by Miss Dix as nurse in Judiciary square general hospital, and was transferred soon after to Georgetown Presbyterian Church general hospital, surgeon in charge, Dr. Knickerbocker. In the early part of 1863 I was transferred to a general hospital in the Patent Office, F street, Washington, D. C. In the summer of 1863 I was transferred to the Mansion House general hospital, Alexandria, Va., where I incurred malaria, which has remained with me ever since. I resigned on account of it in the fall of 1863. Dr. Robinson was surgeon in charge at the Patent Office general hospital. I drew my pay from the office of Paymaster-General, Washington, D. C.

MRS. ELLEN WRIGHT.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, and acquainted her with its contents before she executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me; that she is a credible person and so reputed in the community in which she resides.

Witness my hand and official seal this 24th day of August, 1891.

[SEAL.]

GEO. H. PALMER, *Notary Public.*

STATE OF MASSACHUSETTS, *county of Bristol, ss:*

In the matter of pension claim of Ellen Wright, late Miss Ellen Gibbs.

Personally came before me, a notary public in and for aforesaid county and State, Mrs. Ellen Wright, aged 64 years, citizen of the town of New Bedford, county of Bristol, State of Massachusetts, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

In 1862-63 I served as army nurse in the hospitals at Washington, D. C., Georgetown, and Alexandria, Va., until I was physically disabled by malaria and resigned. I have suffered with malaria ever since I was nurse. I am not able to do hard work to support myself. My husband is a carriage driver and is not able to earn an adequate support for myself and family. Neither myself nor my husband have any income from property, real or personal.

I stand in need of relief and ask the Government to grant me this pension.

ELLEN WRIGHT.

Sworn to and subscribed before me this day by the aboved-named affiant; and I certify that I read said affidavit to said affiant, and acquainted her with its contents before she executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me; that she is a credible person and so reputed in the community in which she resides.

Witness my hand and official seal this 29th day of January, 1892.

[SEAL.]

WM. F. CASWELL, *Notary Public.*

STATE OF MASSACHUSETTS, *County of Bristol, ss:*

In the matter of Ellen Wright for pension as army nurse. **Special act.**

Personally came before me, a notary public in and for aforesaid county and State, Ellen Wright, a citizen of the town of New Bedford, county of Bristol, State of Massachusetts, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows: At the request of Mrs. General Dix, Mrs. Capt. J. C. Delano, of New Bedford, Mass., engaged me to go to Washington as an army nurse. I went to Washington and on duty at the hospital

in Judiciary square in November, 1862; was there two or three weeks; went to Georgetown Presbyterian hospital the first week in December; was there about one month; the most of January, 1863, was stationed at the Patent Office hospital; served there until nearly the last of January. I was sent to Alexandria and remained there until in March, 1863, when I was taken sick with chills and fever, and came home about the 1st of April. I was absent from New Bedford on the duty as army nurse about five months, and should have remained longer had not my sickness (which was due to my service in the hospital) rendered me unfit to do the duty of an army nurse. I have suffered with chills and fever more or less ever since I was in the hospital. I am not now able to do housework. I have to do it, as my husband is not able to earn sufficient to employ help in the family. We are both over 60 years of age. I have given the dates and places according to my best recollection.

ELLEN WRIGHT.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted her with its contents before she executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me; that she is a credible person and so reputed in the community in which she resides.

Witness my hand and official seal this 26th day of May, 1892.

[SEAL.]

WM. F. CASWELL, *Notary Public.*

STATE OF MASSACHUSETTS, *County of Bristol, ss:*

In the matter of claim for pension as army nurse of Mrs. Ellen Wright, late Ellen Gibbs.

Personally came before me, a notary public in and for aforesaid county and State, Robert A. Sherman, aged 73 years, and Phebe S. Sherman, aged 66 years, citizens of the town of New Bedford, county of Bristol, State of Massachusetts, well known to me to be reputable and entitled to credit, and who, being duly sworn, declare in relation to aforesaid case as follows:

We are intimately acquainted with Mrs. Ellen Wright. We know that she owns no property and has no income from property, and no means of support except her own labor and that earned by her husband as a hack driver, which is not sufficient for an adequate support for her family, and she is not able to do any labor other than light work about her house as a housekeeper.

We further declare that we have no interest in said case, and are not concerned in its prosecution.

ROBERT A. SHERMAN.

PHEBE S. SHERMAN.

Sworn to and subscribed before me this day by the above-named affiants, and I certify that I read said affidavit to said affiants and acquainted them with its contents before they executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution, and that said affiants are personally known to me; that they are credible persons and so reputed in the community in which they reside.

Witness my hand and official seal this 26th day of April, 1892.

[SEAL.]

WM. F. CASWELL, *Notary Public.*

STATE OF MASSACHUSETTS, *County of Bristol, ss:*

In the matter of claim of Ellen Wright, late Mrs. Ellen Gibbs, for relief by special act; army nurse.

Personally came before me, a notary public in and for aforesaid county and State, Phebe Sherman, aged 67 years, citizen New Bedford, Mass., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

I have known Mrs. Wright for thirty-three years. She was Ellen Gibbs, and we both lived in the city of New Bedford, and were acquainted. She boarded with me about two years before she went to Washington as an army nurse, 1st of November, 1862. She was then free from all physical disabilities, especially that of malaria. Mrs. Gibbs (that was) was absent in Washington from 1st of November, 1862, until 1st of April, 1863, when she returned to New Bedford, and boarded in my family about one year. During that time she suffered with chills and fever which she con-

tracted while absent in Washington. The chills and fever continued with her during the year she boarded in my family after her return. She was under treatment during that time by Dr. C. L. Spencer, now deceased. I have seen Mrs. Wright frequently, and know that for several years after this she was affected with malaria. I feel satisfied that she contracted malaria in the service, and her health has been affected ever since in consequence.

I further declare that I have no interest in said case.

PHEBE S. SHERMAN.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, and acquainted her with its contents before she executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me; that she is a credible person, and so reputed in the community in which she resides.

Witness my hand and official seal this 6th day of October, 1892.

[SEAL.]

WM. F. CASWELL, *Notary Public.*

STATE OF MASSACHUSETTS, *County of Bristol, ss:*

In the pension claim of Ellen Wright, late Ellen Gibbs, for relief, special act, army nurse.

Personally came before me, a notary public in and for the aforesaid county and State, Milton H. Leonard, a citizen of New Bedford, in the county of Bristol and State of Massachusetts, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That he is a practicing physician, and that he has been acquainted with said Ellen Wright for about five years, and has treated her at different times for malaria, tertian in type. Three years since treated her for la grippe, which has aggravated her malaria and its sequela, viz, facial neuralgia; also has sciatica; has rheumatism; is also a sufferer with lumbago; has internal hemorrhoids; joints deformed from chronic articular rheumatism; is wholly incapacitated for performing manual labor.

He further declares that he has been a practitioner of medicine for thirteen years, and that he has no interest, either direct or indirect, in the prosecution of this claim.

MILTON H. LEONARD, M. D.

Sworn to and subscribed before me this 5th day of November, A. D. 1892; and I hereby certify that the affiant is a practicing physician in good professional standing; that the contents of the above declaration, etc., were fully made known to him before swearing.

[SEAL.]

WM. F. CASWELL, *Notary Public.*

O

CLARA R. RODGERS.

MAY 2, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MIERS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 2541.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 2541) granting a pension to Clara R. Rodgers, have examined the same and all the evidence relating thereto and respectfully report:

The Senate bill in effect restores to the pension roll at \$25 per month Clara R. Rodgers, of 12 Stewart avenue, Ithaca, Tompkins County, N. Y.

This claimant is the widow of Robert E. Rodgers, who is reported by the War Department as having been mustered in as captain Company G, Fourth Ohio Cavalry, October 20, 1861. He was mustered in as major, same regiment, to date March 11, 1863. His resignation, on account of disability, was accepted, to date April 7, 1864.

He died April 10, 1872, from consumption. The claimant and minors were pensioned under the general law on account of his service. The widow drew pension from his death to date of her remarriage, and the minors until they severally became 16 years of age. She did not apply for this pension until after her divorce from her second husband.

This woman was married to the soldier September 13, 1855. In 1875 she married Robert Creighton, and was divorced from him in 1883, on the ground of desertion, and her former name was restored.

She is now nearly 60 years of age, and this bill proposes to restore her name to the pension roll at the rate (\$25) which she was allowed until her marriage.

It seems from the statement on file of H. O. Rodgers, of Hazelton, Pa., that the second husband got from or spent this lady's property and then deserted her, and she obtained a divorce. She now obtains a scanty living by keeping roomers. She is, in effect, now a widow in necessitous circumstances, a woman of good character, and was the wife of the soldier during the war.

The case is within the principles declared by this committee in such cases, and the Senate bill is therefore reported back with the recommendation that it pass.

DEFICIENCIES FOR SUPPORT OF THE ARMY.

MAY 2, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CANNON, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 10197.]

The Committee on Appropriations, to whom was referred House Doc. 439 and Senate Doc. 250, relating to deficiencies in the appropriations for support of the Army, and House Docs. 416, 419, 441, and 442, submitting estimates for deficiencies in the appropriations for printing and binding for the Navy and Treasury Departments, contingent expenses, Navy Department, and for pay, miscellaneous, of the Navy, having considered the same, report herewith a bill making appropriations based on said documents, as follows:

MILITARY ESTABLISHMENT.

Signal Service	\$21,000.00
Pay of volunteers.....	5,766,661.65
Pay of regulars	1,434,586.56
Pay, etc., of regulars, including mileage (prior to act of April 26)....	1,095,219.70
Subsistence of the Army	2,739,643.50
Regular supplies, Quartermaster's Department	1,000,000.00
Incidental expenses, Quartermaster's Department.....	750,000.00
Horses for cavalry and artillery	1,500,000.00
Barracks and quarters	300,000.00
Army transportation	6,000,000.00
Clothing, camp and garrison equipage.....	10,000,000.00
Contingencies of the Army	20,000.00
Ordnance Department	1,506,000.00
Armament of fortifications	2,836,800.00
Medical Department	50,000.00
Engineer Department	200,034.00
Torpedoes for harbor defense.....	350,000.00

PRINTING AND BINDING.

Navy Department.....	20,000.00
Treasury Department.....	30,000.00

NAVY DEPARTMENT.

Contingent expenses.....	1,000.00
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NAVAL ESTABLISHMENT.

Pay, miscellaneous.....	100,000.00
Total.....	35,720,945.41

INDUSTRIAL HOME, SALT LAKE CITY, UTAH.

MAY 2, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BRODERICK, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 7935.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 7935) to grant to the State of Utah the Industrial Christian Home in Salt Lake City, beg leave to report the same to the House with the recommendation that it do pass.

The object of this bill is to grant to the State of Utah for charitable or educational purposes a small tract of land which is covered by a building situate in the eastern portion of Salt Lake City, Utah. This property is remote from the center or business part of the city, and is of but little value. The land is probably worth \$5,000. The building was constructed as a dwelling house and for the purpose of affording a home to some of the people of Utah.

The property is in the residence portion of the city near its suburbs. It is not occupied, except by a custodian, and is constantly deteriorating.

This property was acquired pursuant to an act of Congress approved August 4, 1886. The object of the act was—

To establish an industrial home in the Territory of Utah, to provide employment and means of self-support for the dependent women who renounce polygamy and the children of such women of tender age in such Territory, with a view to aiding in the suppression of polygamy therein.

Few, if any, persons availed themselves of the shelter afforded by the building. It was not occupied, and became and is a source of expense to the Government. As stated, the building was constructed as a dwelling house, and only by a large expense can it be made available for any other purpose. The legislature of Utah unanimously memorialized Congress to grant the property to the State for charitable or educational purposes. It is designed either to use it for school purposes or as a home for orphan children. With considerable expense it could be made serviceable for the latter purpose. The property has always been

under the control of the Treasury Department. The following letter indicates the views of the officials respecting this bill:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., April 21, 1898.

SIR: This Department has the honor to acknowledge the receipt of a bill (H. R. 7935) to grant to the State of Utah the Industrial Christian Home in Salt Lake City, the same to be used for educational or charitable purposes.

In response to a verbal request for a report upon this measure, I have to advise you that this Department has no use for said building, and upon inquiry it is ascertained that none of the other executive branches of the Government can utilize the same for the accommodation of any of their officers. As the property is a source of some expense to the Government, and as it is not practicable to use the same to any advantage, I have the honor to recommend the passage of the above-mentioned bill.

Respectfully, yours,

L. J. GAGE, Secretary.

**The CHAIRMAN COMMITTEE ON THE JUDICIARY,
*House of Representatives.***



MARY L. PAGE.

MAY 3, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HENRY, of Connecticut, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 3515.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 3515) granting an increase of pension to Mary L. Page, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from \$8 to \$12 per month the pension of Mary L. Page, of Winfield, Kans.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3515) granting an increase of pension to Mary L. Page, have examined the same and report:

This claimant is the widow of William Page, who served in Company I, Eighty-third Illinois Volunteers, from August 14, 1862, to June 26, 1865, when he was honorably discharged.

The soldier filed a claim under the general law July 6, 1880, alleging gunshot wound of right foot. This claim was never adjudicated, because claimant was not examined, having failed to report when ordered by the Pension Office. There is no record of alleged disability, and he furnished no evidence. Soldier died July 12, 1884.

The widow filed a claim under the general law July 14, 1888, but has furnished no evidence to connect the death of the soldier with the service. August 23, 1890, she filed a claim under the act of June 27, 1890, which was allowed December 13, 1892, and the widow allowed \$8 per month from date of filing claim, and \$2 additional for a minor until said minor became 16 years of age, which was in 1892.

The widow was married to the soldier April 1, 1871. She was shown to be in necessitous circumstances and poor health when her claim was allowed.

Your committee consider it to be a meritorious case and as coming within Rule VII, and therefore recommend the passage of the bill with two amendments:

Amend the title by inserting after the word "granting" the words "an increase of;" also add in line 8 the words "in lieu of the pension she is now receiving."

The bill is therefore reported back with the recommendation that it pass.

JESSE O. DAVY.

MAY 3, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SULLOWAY, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 2112.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 2112) granting a pension to Jesse O. Davy, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension, at the rate of \$12 per month, Jesse O. Davy, of Springfield, Ohio.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 2112) granting a pension to Jesse O. Davy, have examined the same and report:

A similar bill was introduced in the Senate during the Fifty-fourth Congress, passed the Senate, and was reported favorably by the House.

The Senate report was as follows, which your committee adopt, and recommend the passage of the bill:

"Claimant served nearly two years as a private in Company B, Fifty-ninth Ohio Volunteer Infantry, and in Company E, Sixteenth Ohio Volunteer Infantry. His application for pension has been rejected by the Pension Bureau, although he has furnished a large amount of evidence showing general debility, partial deafness, and several other ailments.

"This seems to be a close case, but we give the soldier the benefit of the doubt."

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 7, after the word "Infantry," insert the words "and pay him a pension."

JOHN A. WHITMAN.

MAY 3, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BREWSTER, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 7583.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7583) granting an increase of pension to John A. Whitman, have examined the same and the evidence relating thereto and respectfully report:

This bill as amended proposes to increase from \$12 to \$24 per month the pension of John A. Whitman, of Stillwater, Saratoga County, N. Y.

This soldier served about three years as private in Company D, Sixty-ninth Regiment New York Volunteer Infantry, when honorably discharged. September 20, 1881, while engaged in firing a cannon at a celebration both his eyes were destroyed by the premature discharge, and since that time he has been totally blind. He is very poor and has no property or income whatever, except his pension of \$12 per month. He is a man of good character and has no one on whom he can depend for support.

The bill is reported back with the recommendation that it pass when amended as follows:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John A. Whitman, late of Company D, Sixty-ninth New York Volunteer Infantry, and pay him a pension at the rate of \$24 per month, in lieu of the pension he is now receiving.

Amend the title so as to read: "A bill granting an increase of pension to John A. Whitman."

STATE OF NEW YORK, *County of Saratoga*, ss:

In the matter of special bill by Congress, by John A. Whitman, late private, Company D, Sixty-ninth Regiment New York Volunteer Infantry, of Mechanicsville, N. Y.

Personally came before me, a notary public in and for the aforesaid county and State, Wylie Gilman, aged 36 years, and George L. Haight, aged 42 years, citizens of the town of Stillwater, county of Saratoga, State of New York, well known to

me to be reputable and entitled to credit, and who, being duly sworn, declare in relation to aforesaid case as follows: Each for himself swears that his post-office address is Stillwater, Saratoga County, N. Y., and that they are well and intimately acquainted with the above-named soldier, John A. Whitman, and have been so acquainted for twenty or more years last past, having lived near him and seen him frequently during said time up to and on or about September 20, 1881. The said soldier had good eyesight (a good pair of eyes), but on said date the people of Stillwater assembled to honor the memory of our lamented President, General Garfield. The soldier, John A. Whitman, was with others in command of the cannon, and in firing the same the cannon prematurely went off and the powder went in the said soldier's eyes, completely blinding him, and from that day to this he has been totally blind in both eyes.

The said soldier was a good, honest, upright, and moral citizen, but he was poor, having nothing to support himself except his small pension, and he becoming totally blind, he was left poor and destitute, and such has been his condition all the time since the fatal September 20, 1881. He is now old and feeble and blind, with nothing to support him but his small pension of \$12 per month. We also know the above facts from personal knowledge, as we were present and saw the accident when it occurred. We believe it would be a noble act of charity if Congress would pass a bill increasing his pension to \$50 per month, in order that the blind old soldier might pass his remaining days in comparative happiness free from cold and want.

GEORGE L. HAIGHT.
WYLIE GILMAN.

Sworn to and subscribed before me this day by the above-named affiants, and I certify that I read said affidavit to said affiants and acquainted them with its contents before they executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiants are personally known to me; that they are credible persons and so reputed in the community in which they reside.

Witness my hand and official seal this 4th day of January, 1898.

D. A. VAN WIE, *Notary Public*.

STATE OF NEW YORK, *Clerk's Office, Saratoga County, ss:*

I, Edward F. Grose, clerk of the county of Saratoga, and clerk of the supreme and county courts of said county, being courts of record, do hereby certify that D. A. Van Wie is a notary public in and for said county, duly qualified to act as such, and his term of office commenced on the 30th day of March, 1897, and will expire on the 30th day of March, 1899, and that his signature, above written, is genuine.

Given under my hand and seal of office, at Ballston Spa, the 15th day of April, 1897.

[SEAL.]

EDWARD F. GROSE, *Clerk*.

STATE OF NEW YORK, *County of Saratoga, ss:*

In the matter of special bill by John A. Whitman, late private, Company D, Sixty-ninth Regiment New York Volunteer Infantry, of Mechanicsville, N. Y.

Personally came before me, a notary public in and for the aforesaid county and State, Sanford Neilson, aged 71 years, and Edward B. Hunter, aged 49 years, citizens of the town of Stillwater, county of Saratoga, State of New York, well known to me to be reputable and entitled to credit, and who, being duly sworn, declare, in relation to aforesaid case, as follows: That their post-office address is Saratoga County, N. Y., and that we are well and intimately acquainted with John A. Whitman, the above blind soldier, and have been acquainted with him for about twenty years last past, and know him to be, and he has been all the time we have known him, a good, honest, moral, and upright citizen. We also know that up to September 20, 1881, he could see as well as any man. We also know that on said date September 20, 1881, the people of Stillwater, Saratoga County, N. Y., met to do honor to our President, General Garfield, who had been murdered by the hand of an assassin; John A. Whitman, the said soldier, was one of the number, his breast filled with patriotism and indignation, who sought to give expression to the feelings and emotion of the people by the firing of cannon; John A. Whitman, the soldier, with others had charge of the piece, and, in the excitement of the moment, the cannon was fired before all was ready, and John A. Whitman was made blind forever.

From that day to this he has lived in utter darkness. The light of day and midnight are the same to him. He sits and broods of his sad misfortune, hoping that some hand may be stretched forth to aid and assist him, for he is poor, with no means for his care and support except the small pension his Government has given him.

We who have known him so long and well believe his country should come to his aid in his declining years, and we make this statement under oath, hoping and praying that Congress in its generosity may pass a special bill increasing his pension to \$50 per month, that the blind old soldier may be free from want in his declining years.

EDWARD B. HUNTER.
SANFORD NEILSON.

Sworn to and subscribed before me this day by the above-named affiants; and I certify that I read said affidavit to said affiants and acquainted them with its contents before they executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiants are personally known to me; that they are credible persons and so reputed in the community in which they reside.

Witness my hand and official seal this 4th day of January, 1898.

D. A. NAUWÅ, *Notary Public.*

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REBECCA E. KUTZ.

MAY 3, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. KERR, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 2114.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 2114) granting a pension to Rebecca E. Kutz, have examined the same and the evidence relating thereto and respectfully report:

This bill, as amended, proposes to pension, at the rate of \$12 per month, Rebecca E. Kutz, of Lancaster, Ohio.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 2114) granting a pension to Rebecca E. Kutz, have examined the same and report:

A similar bill was introduced in the Fifty-fourth Congress, passed the Senate, and was reported favorably by the House.

The Senate report was as follows, which your committee adopt, and recommend the passage of the bill:

"It is shown by the records that this soldier was enrolled September 1, 1861, at Lancaster, Ohio, and mustered in September 25, at Camp Dennison, Ohio. He served faithfully all through the war, was one of Sherman's veterans, and was mustered out of the service July 16, 1865, near Louisville, Ky.

"Returning home on a Government train, near Pataskala, in Licking County, Ohio, the train was wrecked, and he, with a number of other soldiers, was killed. Pensions have already been granted by special act to the relatives of some of those who were killed in that wreck.

"George F. Kutz, the soldier, in his lifetime contributed to his mother's support, and the only reason why the Pension Bureau does not grant a pension to this applicant is that the soldier's death did not occur in line of duty, but was after he was mustered out of the service, and was not the 'result of causes incident to his military service,' and, therefore, the general law does not apply.

"This is clearly a case for the equitable interposition of Congress, the claimant having merit in her favor, and being debarred only by the technicalities of the general law."

The bill is therefore reported back with the recommendation that it pass when amended as follows:

At the end of line 8 add the following: "and pay her a pension at the rate of twelve dollars per month."

WILLIAM BARBER.

MAY 3, 1898.—Laid on the table and ordered to be printed.

Mr. DAYTON, from the Committee on Naval Affairs, submitted the following

ADVERSE REPORT.

[To accompany H. R. 947.]

The Committee on Naval Affairs, having fully considered the bill (H. R. 947) "For the relief of William Barber, late of United States Navy," report and recommend that said bill do not pass.

This applicant, Barber, it is true, has a good record in the aggregate of service in the Navy, having enlisted February 16, 1865; served three years, to February 15, 1868, and then discharged; reenlisted February 22, 1868, for three years; served until March 1, 1870, when he deserted.

The facts simply are that he went ashore under leave, spent the time in a prolonged drunk, overstayed his leave, and, as he says, was then ashamed to go back. His long period of service speaks strongly for mercy, but while this is so, if the discipline of the Navy is to be maintained, men must not by Congress be lightly relieved from the consequence of their own misconduct. To grant relief in this case would establish a precedent that would come up with force and bad effect in many other cases where relief is sought upon substantially the same grounds.



WILLIAM McCUTCHEON, ALIAS WILLIAM KELSO.

MAY 3, 1898.—Laid on the table and ordered to be printed.

Mr. DAYTON, from the Committee on Naval Affairs, submitted the following

ADVERSE REPORT.

[To accompany H. R. 7279.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 7279) to remove the charge of desertion against William McCutcheon, alias William Kelso, having fully considered the same, report and recommend that said bill do not pass.

This recommendation is based upon said McCutcheon's own statement that, while he enlisted (as a substitute) in the Navy September 6, 1864, and served until July 19, 1865, he, on that day, while on shore, became intoxicated, and when he awoke from his stupor found himself aboard another vessel than his own, bound for another port.

Your committee do not think a man should be relieved from the effect of his own misconduct in this way.



CHARLES AMOS.

MAY 3, 1898.—Laid on the table and ordered to be printed.

Mr. DAYTON, from the Committee on Naval Affairs, submitted the following

ADVERSE REPORT.

[To accompany H. R. 370.]

The Committee on Naval Affairs, having fully considered the bill (H. R. 370) to remove the charge of desertion standing against the name of Charles Amos, beg leave to report and recommend that said bill do not pass.

The basis of this adverse report is contained in the annexed letter received from the Secretary of the Navy.

NAVY DEPARTMENT,
Washington, January 15, 1898.

SIR: Referring to your communication of the 10th instant, requesting to be furnished, for the use of the subcommittee on private bills, Committee on Naval Affairs, in the consideration of the bill (H. R. 370) "to remove the charge of desertion standing against the name of Charles Amos," with a copy of the record of his service in the Navy, together with such views as the Department may entertain respecting the propriety of the legislation proposed, I have the honor to state that it appears from an examination of the records in the case of Amos that he enlisted in the Navy at Boston, Mass., January 17, 1865, as an ordinary seaman, for three years; served on board the U. S. S. *Ohio* and *Connecticut*, and deserted from the service September 9, 1865.

It appears from an examination of the records of the Department that on April 20, 1894, the case of Amos was considered with a view to the removal from his record of the charge of desertion, and was rejected on the ground that the records showed that he was properly marked as a deserter, in consequence of which the Department has no authority to remove said charge.

The Department sees no reason for special legislation in this case. The question whether or not such relief should be granted the applicant would appear to be a matter for the determination of the Congress.

In this connection the attention of the committee is invited to the fact that the discharge provided for is described in line 7 of the bill as an "honorable discharge." This term has grown to have a technical meaning in the Navy, entitling a man to certain pecuniary benefits, it being inserted in original discharges issued upon the expiration of an enlistment of three years as a testimonial of fidelity and obedience, and it is suggested that, if the committee should determine to report the bill favorably, the term "discharge," instead of "honorable discharge," be used.

Very respectfully,

JOHN D. LONG, *Secretary.*

The CHAIRMAN OF THE SUBCOMMITTEE ON PRIVATE BILLS,
Committee on Naval Affairs, House of Representatives.

CHARLES THOMPSON.

MAY 3, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. DAYTON, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 10132.]

The Committee on Naval Affairs, having fully considered the bill (H. R. 10132) for the relief of Charles Thompson, report and recommend that said bill do pass.

This bill was formulated by the Secretary of the Navy himself, forwarded to this committee, and introduced by the chairman of the subcommittee on private bills of this committee for the purpose of carrying out the expressed wishes of the Department.

This fact, as also those upon which relief is asked, are fully set forth in the annexed letter, made a part hereof.

NAVY DEPARTMENT,
Washington, April 9, 1898.

SIR: I have the honor to inclose herewith, for the consideration of the committee, a draft of a bill for the removal of the charge of desertion standing on the rolls of the U. S. S. *Wissahickon* against the name of Charles Thompson, of date June 21, 1865, and, in view of the fact that Thompson has served in the Navy for a period of nearly thirty-six years, before, during, and since the war of the rebellion, to recommend the same to the favorable consideration of the committee.

If this case had been presented while the act of Congress "to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," approved August 14, 1888, was in force, the charge of desertion could have been removed under the provisions thereof.

Very respectfully,

JOHN D. LONG,
Secretary.

Hon. CHARLES A. BOUTELLE,
Chairman Committee on Naval Affairs, House of Representatives.

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COMMISSIONERS TO REVISE THE STATUTES RELATING
TO PATENTS, ETC.

MAY 3, 1898.—Committed to the Committee of the Whole House on the state of the
Union and ordered to be printed.

Mr. HICKS, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 9815.]

The Committee on Patents, to whom was referred the bill (H. R. 9815) appointing commissioners to revise the statutes relating to patents, trade and other marks, and trade and commercial names, submit the following report:

In 1870 the patent laws of the United States were revised and provision was first made for the registration of trade-marks.

Such laws were embodied in the Revised Statutes published in 1875, without substantial change.

In 1876 the trade-mark law was amended by adding a penal section.

In 1880 the United States was represented at a conference at Paris called by the French Government for the purpose of framing a convention for the protection of industrial property, including therein the general subjects of patents, trade-marks, and trade names.

March 20, 1883, the convention drafted at the conference of 1880 was ratified at Paris by France, Belgium, Brazil, Guatemala, Italy, Netherlands, Portugal, Salvador, Servia, Spain, and Switzerland.

In 1886 a conference under the convention met at Rome, and the United States was represented by a delegate, who took part by courtesy.

Between 1880 and 1887 no substantial change was made in the patent statutes. As to trade-marks, the laws of 1870-1876 were declared unconstitutional (*United States v. Steffens*, 100 U. S., 82), and a new law, applicable to trade-marks used in foreign commerce, was approved March 3, 1881. (21 Stat. L., p. 502; Sup. Rev. Stat., 2d ed., p. 322.)

In 1887 the United States adhered to the convention. (*Treaties and Conventions between the United States and other Powers, 1776-1887.*)

In 1890 (April 1) a conference was held at Madrid, at which the United States was represented, under a statute approved March 6, 1890. (26 Stat. L., p. 17.)

In 1897 (December 1) the first session of a conference under the convention was held at Brussels, at which the United States was represented by two delegates.

This conference is expected to reconvene in the summer of 1898.

From 1887 to the meeting of the conference in Brussels the only material revision of the patent law was the amendment of section 4887, Revised Statutes, approved March 3, 1897, by (1) doing away with the limitation of the term of United States patents by reason of a foreign patent, and by (2) restricting the time within which a patent can be applied for in the United States to seven months after the first application therefor abroad.

It is clear from the above statement that no revision of the patent and trade-mark laws of the United States has been made because of the convention.

The convention provides for certain specific things, e. g., that an applicant for a patent in his own country shall have seven months in which to apply for a patent in all the other countries of the union, during which neither publication, public use, nor importation will defeat the patent. (Any one of these things would defeat a patent if done at any time prior to the application in any of the countries of the union except the United States.)

The United States is the greater gainer by this convention, therefore, since it gives no corresponding privilege in return. It had none to give, since such privileges are open to all, irrespective of treaty.

We have, however, disregarded the convention, so advantageous to our citizens, when a question of priority of invention has arisen between our citizens and those of other countries of the union.

To give other examples would make this report unnecessarily long.

The convention was the subject of a resolution by the patent section of the American Bar Association at its meeting at Cleveland, Ohio, August 27, 1897, urging upon the Government the representation of the United States at the Brussels conference.

This conference will soon reconvene, and our delegates thereto earnestly request that Congress should pass this bill, so that any laws to carry the convention into effect in this country may speedily be enacted, and their position be strengthened before the conference to obtain the concessions which they are instructed to ask.

The present is a time demanding our utmost diligence in the observance of treaty obligations.

In the opinion of your committee, the convention is of advantage to our citizens. Good faith requires that we should put it into effect by statute. (That it is not self-executing, see Opinions of Attorney-General.) Other members of the union have passed laws to carry it into effect.

The subject is somewhat involved and requires presentation to Congress by experts familiar with the French language, in which all the proceedings under the convention have been held, and with our own laws and those of foreign countries relating to industrial property.

The bill demands immediate action because of the approaching second session of the Brussels conference.

The only appropriation made is for the disbursements of the commissioners for copying, postage, and travel, which have been estimated at \$250.

NANCY E. DAY, ADMINISTRATRIX.

MAY 3, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GRAFF, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 675.]

The Committee on Claims, to whom was referred the bill (S. 675) for the relief of Nancy E. Day, administratrix of the estate of James L. Day, deceased, have carefully considered the same and submit the following report thereon:

This case has been frequently before the committee, and favorable reports have been made upon it whenever it has been considered. These reports have met the approval of the Senate, and bills of the same tenor as that now under consideration have been passed on several occasions, but no final action has ever been taken by the House of Representatives.

The committee recommend the passage of the bill now before them, and submit, as a part of their report, the report made in the same case during the Fifty-fourth Congress, which reads as follows:

During the Fiftieth Congress the committee had this claim under consideration and submitted a report thereon in the following words:

“The Committee on Claims, to whom was referred the bill (S. 1245) for the relief of Nancy E. Day, as administratrix of the estate of James L. Day, deceased, submit the following report:

“The claimant’s intestate, James L. Day, was a mail contractor on postal route No. 8151, from New Orleans to Mobile. His contract extended from July 1, 1858, to June 30, 1862. It contained the following stipulations:

“It is hereby stipulated and agreed by the said contractor and his sureties that the Postmaster-General may increase the service or change the schedule, he allowing a pro rata increase of compensation within the restrictions imposed by law for the additional service required; but the contractor may, in case of increased service or change of schedule, relinquish the contract on timely notice, if he prefer it to the change; also that the Postmaster-General may curtail or discontinue the service in whole or in part, he allowing one month’s extra pay on the amount dispensed with.’

“The service was so discontinued on May 24, 1861, and the Department declined to allow the one month’s extra pay according to this stipulation, but no final action was taken. The one month’s pay ‘on the amount dispensed with’ is \$3,041.66, according to the contract. On February 11, 1885, the Acting Postmaster-General referred the matter to the Court of Claims, in accordance with the second section of the act of Congress approved March 3, 1883, entitled ‘An act to afford assistance and relief to Congress and the Executive Departments in the investigation of claims and demands against the Government.’

"After a full hearing of the case on its merits the court found in favor of the claimant, who is the administratrix of the estate of the contractor.

"The opinion of the court will be found in volume 21, Court of Claims Reports, page 262; it concludes as follows:

"And there being in law no answer to the claim on its merits, it is the conclusion of the court that the claimant is entitled to be paid the sum of \$3,041.66, and the clerk will certify to the Post-Office Department a copy of the findings of fact, the conclusion of law, and the opinion of the court."

"The findings and opinion of the court were transmitted by the clerk to the Postmaster-General April 30, 1886, and no provision has yet been made for the payment of the amount.

"It seems that the contractor was, when he entered into the contract, and during his lifetime, a resident of the State of Connecticut, where his widow, the administratrix, still resides, and their loyalty to the United States during the late war has never been questioned.

"The penalty was no doubt based upon the idea that the contractor would necessarily suffer loss by the discontinuance of the service after investing a large amount of money in boats and incurring expenditures for running the same.

"The sum named was the measure of damages agreed upon in the contract, and the record discloses no good reason why the findings of the court should not be carried out.

"The committee therefore recommend the passage of the bill."

In subsequent years other favorable reports have been made upon the bills introduced in each House providing for the payment of the claim, and on several occasions the Senate has acted upon these reports and passed the bills, but no final action has ever been taken by the House, and the amount claimed has never been paid.

The committee have again examined the claim with the same results as before, and recommend that the bill do pass.

SOCIETY OF AMERICAN FLORISTS.

MAY 4, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. WADSWORTH, from the Committee on Agriculture, submitted the following

REPORT.

[To accompany H. R. 9697.]

The Committee on Agriculture, to whom was referred the bill (H. R. 9697) incorporating the Society of American Florists, having examined the same, beg leave to report the same with the recommendation that it pass with an amendment.

The object of the society in asking incorporation at the hands of Congress is that meetings may be held in the District of Columbia or in any of the States and Territories.

The membership of the association being scattered over the entire Union, it is deemed desirable that annual meetings may be held in different States for the sake of convenience and for other practical reasons. The proposed corporation issues no shares of stock, transacts no commercial business, issuing only certificates of membership, and the object of the annual meetings is only for the interchange of views and experiences, for the publication of reports which would be of an educational nature, for the cultivation of the beautiful and æsthetic among the members of the association and the public, and for the dissemination of such knowledge as may by study and observation be collected.

Precedents for the incorporation of the society are found in the following acts:

Date of act.	Name of institution or company.	Volume U. S. Statutes.	Page.
Feb. 16, 1809	Washington Canal Company.....	2	517
Mar. 3, 1809	Georgetown and Alexandria Turnpike Company.....	2	539
Apr. 13, 1818	Mechanics' Relief Society of Alexandria.....	6	207
Apr. 20, 1818	Columbian Institute.....	6	214
Feb. 24, 1819	Navy-yard Bridge Company.....	6	225
Feb. 9, 1821	Columbian College.....	6	255
May 20, 1826	Turnpike Company in Alexandria County.....	4	177
Mar. 3, 1825	Acts of Maryland and Virginia incorporating Chesapeake and Ohio	4	293
May 23, 1828	Canal Company confirmed.....		
May 24, 1828	Orphan Asylum, Georgetown.....	6	381
Do.....	Sisters of Charity of St. Joseph, Georgetown.....	6	383
Mar. 3, 1829	Steam Packet Company.....	6	398
May 26, 1830	Alexandria Canal.....	6	419

Date of act.	Name of institution or company.	Volume U. S. Statutes.	Page.
Feb. 25, 1831	St. Vincent Orphan Asylum	6	452
Mar. 2, 1837	Howard Institute	6	685
Mar. 3, 1837	Firemen's Insurance Company of District of Columbia	6	694
June 28, 1838	Act of legislative council of Florida incorporating Florida Peninsula Railroad Company confirmed	5	253
July 7, 1838	Medical Society of District of Columbia	6	741
Mar. 3, 1841	Washington City Benevolent Society	6	823
June 13, 1842	Washington Manual Labor School	6	830
July 27, 1842	German Benevolent Society	6	839
Do	National Institute	6	845
June 10, 1844	Georgetown College	6	912
July 8, 1848	Washington Gaslight Company	9	722
Mar. 3, 1849	Oak Hill Cemetery Company	9	773
July 20, 1854	Georgetown Gas Light Company	10	786
July 27, 1854	Proprietors of the Glenwood Cemetery	10	789
Aug. 3, 1854	National Hotel Company	10	812
Aug. 4, 1854	Pioneer Manufacturing Company of Georgetown	10	821
Jan. 10, 1855	Mutual Fire Insurance Company of District of Columbia	10	836
Feb. 6, 1855	St. Joseph's Male Orphan Asylum	10	846
Feb. 17, 1855	Hiram O. Alden and James Eddy, their associates and assigns, to construct a telegraph line from Mississippi River to Pacific Ocean ..	10	610
Aug. 11, 1856	Columbia Library of Capitol Hill, District of Columbia	11	457
Do	Library for Young Men in District of Columbia	11	458
Feb. 16, 1857	Washington Insurance Company	11	497
Do	Columbian Institution for the Instruction of Deaf and Dumb and the Blind	11	161
May 4, 1858	Gonzaga College in Washington, D. C	11	265
Do	Benevolent Christian Association of Washington	11	266
Jan. 12, 1860	Grand Lodge of Independent Order of Odd Fellows	12	30
June 13, 1860	Proprietors of Prospect Hill Cemetery	12	32
June 15, 1860	National Gallery and School of Arts in District of Columbia	12	35
May 17, 1862	Washington and Georgetown Railway Company	12	388
July 1, 1862	Guardian Society to Reform Juvenile Offenders	12	499
July 11, 1862	Union Pacific Railroad Company	12	489
Feb. 14, 1863	National Association for Relief of Destitute Colored Women and Children	12	650
Mar. 5, 1863	National Academy of Sciences	12	806
Mar. 8, 1864	Washington City Savings Bank	13	17
Apr. 8, 1864	Union Gas Light Company of District of Columbia	13	41
Do	Providence Hospital of Washington	13	13

The act will in no way commit the Government to aid or benefit of the society incorporated; and, regarding it in the light of an agency for public education, the committee herewith report the same with the recommendation that it do pass, with the following amendment:

On page 2, line 25, after the word "determine," strike out the word "said" and all of the words on page 3 down to and including the word "Congress."

CHARLES T. PLUNKETT.

MAY 4, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CLARDY, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 886.]

The Committee on Claims have had under consideration House bill 886, and respectfully submit the following:

Mr. Plunkett is a banker, residing in Lynchburg, Va. In February, 1887, he received and paid for certain abstracts issued to witnesses by the United States Commissioners Browning, Rhodes, and Tinsley. These abstracts, duly indorsed by these witnesses, who received the money, were delivered by Plunkett and by him forwarded to the United States marshal. Payment was delayed for lack of appropriations and later by changes of marshals—Graham, Jordan, Watts, and Levi. Finally he received, from the Department at Washington, through J. G. Watts, United States marshal, the following drafts, herewith filed:

No. 53055. June 26, 1893, to E. H. Price.....	\$1. 90
No. 53056. June 26, 1893, to R. B. Coffman	1. 70
No. 53057. June 26, 1893, to R. E. Carroll	28. 00
	\$31. 60

Later he received from the Department at Washington:

No. 6937. June 28, 1895, I. H. Mervatt	11. 10
No. 6938. June 28, 1895, I. H. Mervatt	18. 00
No. 6941. June 28, 1895, I. H. Mervatt	21. 90
No. 6944. June 28, 1895, I. H. Mervatt	21. 90
	72. 90
Total.....	104. 50

There were other warrants issued, which Mr. Plunkett succeeded in getting indorsed by the parties to whom he paid the money, and hence are not herewith inclosed and on which there is now no claim.

The facts, in a word, are simply that the custom of paying United States witnesses and other court officials, by banks and others, seems to have been born of the necessity to provide for them in the absence of funds promptly available. Witnesses were obliged to have money to meet their expenses in attending courts of United States commissioners. Mr. Plunkett and other bankers would extend this accommodation, and usually no difficulty arose to prevent getting reimbursement. In many

cases, however, witnesses were birds of passage, were never seen again, and hence there was no way to get their indorsements of the warrants or drafts. Indeed, it would seem that these drafts ought to have been (as in every business transaction of the kind) made payable to Plunkett, but this is not in harmony with the regulations of the Treasury.

Equity demands that Mr. Plunkett be paid the amount of these warrants, which he has cashed more for accommodation than profit, and hence your committee recommend that the bill do pass, with amendments as follows:

In line 6, after the word "cents," insert the following:

being amount of sundry drafts, all dated January twenty-sixth, eighteen hundred and ninety-three, to the following-named parties:

R. B. Coffman, one dollar and seventy cents; E. H. Price, one dollar and ninety cents; R. E. Carroll, twenty-eight dollars; J. H. Mowatt, eighteen dollars; J. H. Mowatt, twenty-one dollars and ninety cents; J. H. Mowatt, eleven dollars and ten cents; J. H. Mowatt, twenty-one dollars and ninety cents.

In line 6, after the word "*Provided*," insert the following: "That said drafts are surrendered to the Secretary of the Treasury: *And provided further*."

In line 9, after the word "Treasury," insert the following:

conditioned to indemnify the United States against any loss arising out of the payment of said drafts to said Charles T. Plunkett.



TRINIDAD URIBE.

MAY 4, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. OLARDY, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 4840.]

The Committee on Claims, to whom was referred the bill (H. R. 4840) entitled "A bill authorizing and directing the Treasurer of the United States to pay to Trinidad Uribe certain money due him," beg leave to submit the following report, and recommend that said bill do pass, without amendment.

This is a bill enacting that Trinidad Uribe, a citizen of Zapata County, Tex., be reimbursed by the Government in the sum of \$1,355. It appears that in September, 1879, certain sheep and goats belonging to the said Trinidad Uribe were taken from his possession on his ranch in said county by officers of the United States acting under the order of the United States marshal for the western district of Texas, under certain proceedings in said court pending in the city of San Antonio, purporting to be a seizure for a violation of the customs-revenue laws of the United States; that under said proceedings for the libel of said sheep and goats, the United States as plaintiff, on Monday, December 1, 1879, obtained an order of sale of said property pending said proceedings, and that said property was sold by the marshal of said district some time in February, 1880; that on the 9th day of October, 1881, upon an issue joined between said Trinidad Uribe and the United States, a jury in said court, upon trial of the case, found for the claimant and the court ordered that the cause be dismissed, with costs to be taxed against the libellant, and that the claimant's stipulations be canceled, and further ordered that the sum of \$1,365.05, proceeds of said sale, be paid over to said Trinidad Uribe, the owner of said property, out of the registry of the court, into which the said marshal had been ordered to pay the same. It appears, however, that said money was never paid into the said registry of the court, and said money was therefore not paid over to the claimant, and that on March 3, 1883, upon motion of the United States, by its attorney, against said marshal, it was alleged that said marshal had sold property upon order of the court and that said sale had been approved by the court on the 13th day of February, 1880, and

had received in his hands the money arising from said sale, to wit, \$1,355.01; that the said marshal had never paid the said sum or any part thereof into the said registry of the court, or otherwise lawfully disposed of the same; that said officer had ceased to be the marshal of said district, but was still subject to the order of the court against said marshal to pay said claimant, whereupon the court ordered that said marshal, after the expiration of five days from service of said motion, pay over to the clerk of said court the said sum of money, but that he wholly failed to do so and has never paid said money to said claimant; that afterwards, on the 24th day of May, 1883, the United States, by its attorney, filed a suit in the United States circuit court of said district in the city of Austin against the said marshal and sureties for the recovery of said money, alleging the facts as above stated; that claimant was advised by the attorney of the United States that said suit, as entered by the United States, was for the purpose of recovering the said proceeds of said sale from which the claimant would be reimbursed for his losses. That on the 10th day of February, 1897, the said circuit court, upon demurrer of the defendant sureties, decided for the defendant; and the Government declining to further amend, the cause was dismissed and no appeal was taken therefrom. It thus appears that the officers of the Government in the first place made an improvident seizure of the claimant's property, and pending the proceeding of the seizure the property was ordered to be sold by the court and the marshal directed to pay the proceeds of said sale into the registry of the court; that the marshal made the sale and received the sum of \$1,355 as the proceeds thereof, but has failed to comply with the order to pay the same into the registry of the court and has also disregarded the subsequent rule of the court to do so, and that thereupon the Government sued him and his sureties to recover said money for the benefit of the claimant, advising the said claimant that this was the proper remedy; that said suit pended for some thirteen or fourteen years, when the court decided against the Government and the suit was dismissed. In the meantime the claimant's rights of action against the marshal and his bondsmen were barred, and he is now and has been for several years without legal remedy.

The committee is of the opinion, therefore, that inasmuch as the officers of the Government have been entirely responsible for the claimant's loss of his property, his claim presents the strongest equities for reimbursement of the loss he has sustained.



HOSPITAL CORPS, UNITED STATES NAVY.

MAY 4, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BOUTELLE, of Maine, from the Committee on Naval Affairs, submitted the following

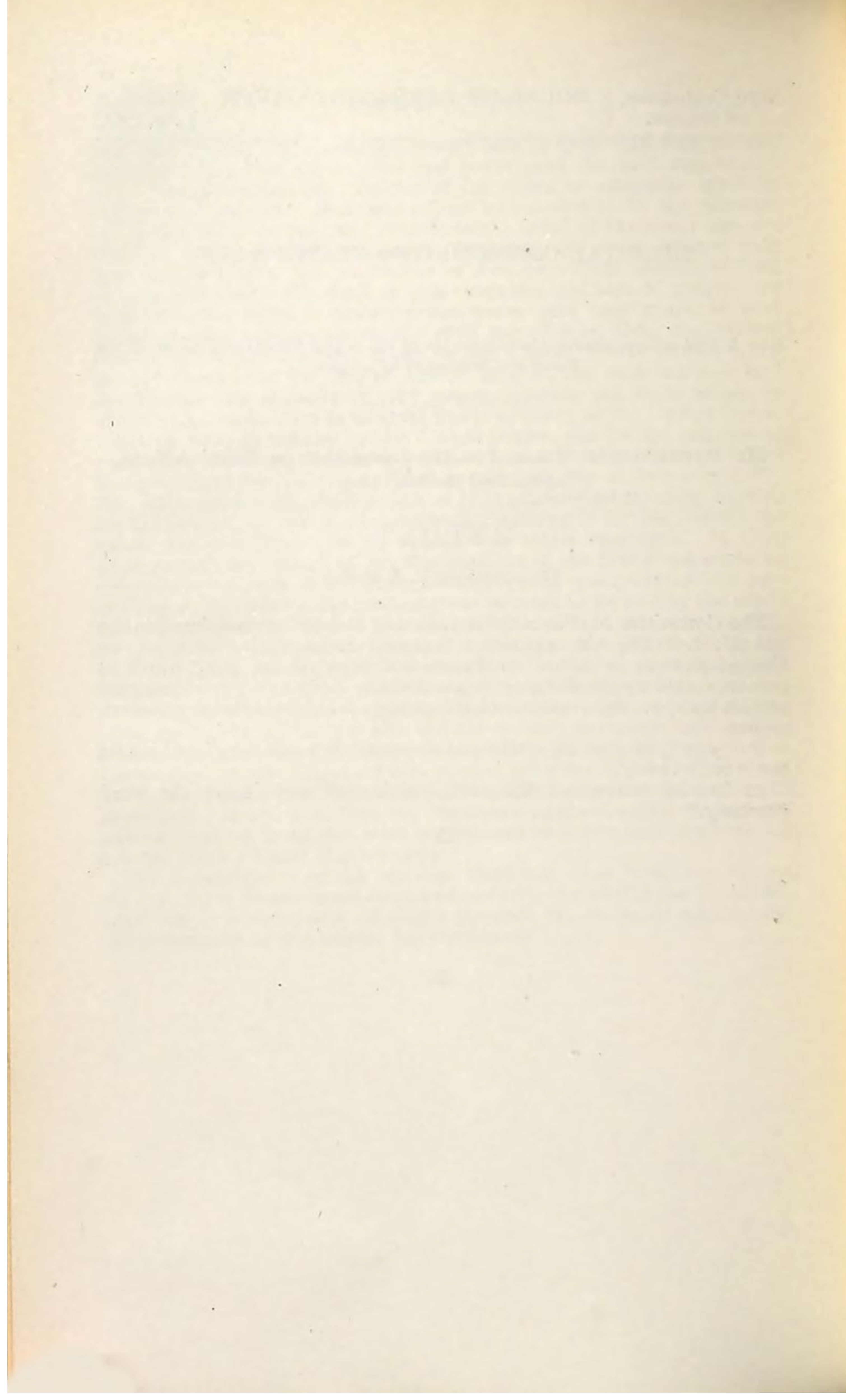
REPORT.

[To accompany H. R. 10220.]

The Committee on Naval Affairs, having had under consideration the bill (H. R. 10220) "to organize a hospital corps of the Navy of the United States; to define its duties and regulate its pay," which is recommended by the Surgeon-General of the Navy as especially urgent at this time, hereby recommend its passage with the following amendments:

On page 2, in line 15, strike out the word "twenty-four" and insert the word "thirty."

In line 16 strike out the word "eighteen" and insert the word "twenty."



AUXILIARY NAVAL FORCE FOR COAST DEFENSE.

MAY 4, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BOUTELLE, of Maine, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. Res. 257.]

The Committee on Naval Affairs have had under consideration House resolution 257, providing for the organization and enrollment of the United States auxiliary naval force for coast defense.

This measure is strongly urged by the Navy Department in order to meet the emergencies of the existing war.

The committee recommend the passage of the resolution.



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HENRY H. PRESTON.

MAY 4, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GIBSON, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 9310.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9310) granting an increase of pension to Henry H. Preston, have examined the same and all the evidence and respectfully report:

This bill, as amended, proposes to increase from \$24 to \$36 per month the pension of Henry H. Preston, of Shelter Island Heights, N. Y., late private Company H, Sixth New York Volunteer Cavalry, who served from September 30, 1861, to September 18, 1865, when discharged on certificate of disability on account of

Gunshot wound right ankle joint, injuring end of the tibia, resulting in complete ankylosis of the joint, received at Appomattox Court-House, Va., April 9, 1865. He received at the same time gunshot wound of left foot. Disability complete.

Certificate of examination made at Brooklyn, September 4, 1866, shows:

The joint is rigidly stiff. The same ball passed upward and lodged in the thigh. This wound will much improve, probably recover. This applicant is obliged to walk with a crutch. Is a sober, temperate young man.

He filed and established a claim under the general law for gunshot wound right ankle, and was pensioned therefor at \$8 from date of discharge; \$15 from June 6, 1866; \$18 from March 4, 1874, and \$24 from March 3, 1883.

The same ball which fractured his ankle appears to have entered his right thigh.

The certificate of his last examination, made at New London, Conn., June 10, 1890, shows

Right ankle and also lower third right leg and instep very much enlarged. Circulation poor. Externally to right ankle, lower third, four indolent ulcers, flat, not excoriated. Anteriorly sinus just above joint in site of entrance wound extending deep into joint communicating with dead bone (could not find it 3 inches from surface with probe). Ulcer at site of wound of exit near right ankle deep, irregular, indolent, 3 inches vertically, $4\frac{1}{2}$ inches transversely at longest diameter. Outlines irregular. Greatest excavation at upper part. Bleeds easily. Internal ulcer not

apparently connected with dead bone. Adherent to tibia. All ulcers due to faulty nutrition and poor circulation, active and passive. Passive motion of ankle joint nil, movement of toes almost nil from faulty nutrition and adhesion of tendons. Rated \$36 for gunshot wound right ankle, eight-eighteenths for gunshot wound left thigh and results.

The rate of \$36 for wound of ankle is not warranted by the description, which is of a \$30 disability. He is entitled by reason of the two wounds undoubtedly to \$36 per month, being permanently disabled for manual labor and a great sufferer.

He appears to have made no application for increase at the Pension Office since 1890 until October 13, 1897, and the application then made is still pending and probably will be for many years before action is taken, as the request of this committee does not procure a decision.

Medical evidence filed with this committee shows that in consequence of his wounds claimant is not able to perform any manual labor.

This soldier is entitled to the pension the general law gives him under the evidence, and the bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 8 strike out the words "of fifty" and insert in lieu thereof the words "at the rate of thirty-six."

STATE OF NEW YORK, *County of Suffolk*, ss:

I, T. L. Ireland, residing in the village of Greenport, county and State aforesaid, being duly sworn, depose and say: That I am a graduate of University of the City of New York, 1846, and have been a practicing physician in said village and the town of Shelter Island, in said county and State, for the past fifty years. During the past thirty-two years I have at various times been called to attend Henry H. Preston, of said town, for a chronic ulcer on and above the ankle joint of right leg, this ulcer being due to a gunshot wound through said ankle joint, and received, as I have reason to believe, while in battle at Appomattox, Va., on April 9, 1865, while a sergeant in Troop H, Sixth New York Veteran Volunteer Cavalry. I find upon the examination of said wound, made by me on February 14, 1898, that there is complete ankylosis of the ankle joint. The tarsus and metatarsus bones of the foot and the lower extremity of the tibia must have been greatly fractured, which, in connection with the almost constant pain, greatly interferes with locomotion. The deep ulceration is 4 to 6 inches in width and extends almost completely around the ankle. The discharge is very profuse and requires from a dozen to twenty thicknesses of linen for its absorption, it being necessary to dress it several times a day. The pain, which exists most of the time, is very severe and made much more so by every effort to go about, even with the use of two crutches, which is often the case. In my judgment this man is at the present time in a far worse condition than if his foot had been amputated. He would not then need the almost constant aid of another person as at present, and also would not have to suffer such pain as must necessarily exist with every effort made to use his foot in going about. This man in his present condition is not able and should not attempt to perform any manual labor.

TREADWELL L. IRELAND, M. D.

Subscribed and sworn to before me this 14th day of February, 1898.

[SEAL.]

RALPH G. DUVALL, *Notary Public*.

STATE OF NEW YORK, *County of Suffolk*:

I, Barton D. Skinner, residing in Greenport, town of Southold, county and State aforesaid, being duly sworn, depose and say: That I am a graduate of Bellevue Hospital Medical College, of the city of New York, and have been a practicing physician for twenty-eight years. On various occasions during that time I have examined Henry H. Preston, of the town of Shelter Island, formerly a member of Troop H, Sixth New York Veteran Volunteer Cavalry, and have on each occasion found him suffering from an open wound of the right ankle, caused by a bullet received at Appomattox, Va., on the 9th of April, 1865. At a recent examination of said Preston I found him suffering from chronic ulcers at or near the site of the old wound, one on

the outer and one on the inner side of the right ankle joint, both having a raw surface of from 4 to 6 square inches; that at no time since the reception of the said wound has he been free from an open sore at its site; that it causes him a great deal of pain, and discharges more or less profusely all the time, and is a great burden to him, interfering greatly with his ability to earn a livelihood. In my opinion said Preston is a greater sufferer and more seriously disabled than he would have been had the foot been amputated at the time the wound was received.

BARTON D. SKINNER, M. D.

Subscribed and sworn to before me this 9th day of February, 1898.

[SEAL.]

LEWELEN F. TERRY, *Notary Public.*

STATE OF NEW YORK, *County of Suffolk:*

I, F. E. Benjamin, residing in the town of Shelter Island, county and State aforesaid, being duly sworn, depose and say that I am a graduate of the College of Physicians and Surgeons of New York, and have been a practicing physician in said town five years. During said time I have at various times been called to attend Henry, H. Preston of said town, for a chronic ulcer on and above the ankle joint of right leg, this ulcer being due to a gunshot wound through said ankle joint, and received, I believe, while in battle at Appomattox, Va., on April 9, 1865, while a sergeant in Troop H, Sixth New York Veteran Volunteer Cavalry. The tarsus and metatarsus bones of the foot and the lower extremity of the tibia must have been greatly fractured, there being complete ankylosis of the ankle joint, which, in connection with the almost constant pain, interferes with locomotion. The deep ulceration is 4 to 6 inches in width, and, beginning over the internal malleolus, extends almost completely around the ankle. The discharge is very profuse, and requires from fifteen to twenty thicknesses of linen for its absorption, it being necessary to dress it three, and often more, times a day. The pain which exists most of the time, and which is very severe is its worst symptom. In my judgment, every effort to go about, even with the use of two crutches (which is often necessary), greatly intensifies the pain, and causes sleepless nights, which, with the almost constant aid and care of another person which is necessary for the care in preparation and aid in dressing the wound, makes the condition of this man far worse than if the foot had been amputated, and renders his ability to perform manual labor a great deal less than if amputation of the foot had taken place. If the amputation had been performed, as it undoubtedly should have been at the time the wound was received, this man would not now be obliged to suffer such excruciating pain, would not need the care of another person to attend him, and would not be so susceptible to all atmospheric changes, all of which totally unfit him for the performance of any manual labor. That this man's present condition is many times worse than if the foot had been amputated there can be no question in my mind.

F. E. BENJAMIN, M. D.

Subscribed and sworn to before me this 27th day of January, 1898.

[SEAL.]

RALPH G. DUVALL,
Notary Public.

JOSEPH GRIFFITH.

MAY 4, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BARBER, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 9866.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9866) granting a pension to Joseph Griffith, have examined the same and the evidence and respectfully report:

This bill proposes to pension at \$8 per month Joseph Griffith, of Denton, Md., the father of John H. Griffith, who enlisted September 11, 1861, in Company F, First Eastern Shore Maryland Volunteer Infantry, and was honorably discharged December 23, 1864, having served over three years and three months.

He died August 21, 1865, from the effects of a stroke of lightning. He had disabilities of service origin which would have ended his life prematurely.

The father, this claimant, filed a claim July 18, 1890, under the general law, but it was rejected February 3, 1891, on the ground that soldier's death was not due to his service.

Soldier's mother died in 1856, and it is proved that he left neither widow nor minor child and that the father was dependent.

Claimant is about 90 years of age, poor, and has no one on whom he can depend for support.

Your committee is not willing that this old father of a brave soldier who served his country over three years should go to a poorhouse.

Your committee report the bill back with the recommendation that it pass, when amended as follows:

In line 5, before the word "father," insert the word "dependent."

In line 6, after the capital letter "F," insert the word "First."

PAN-AMERICAN EXPOSITION, 1901.

MAY 4, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PAYNE, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany S. R. 141.]

The Committee on Ways and Means, to whom was referred the joint resolution (S. R. 141) regarding the holding of a Pan-American Exposition in the year 1901 upon Cayuga Island, between the cities of Buffalo and Niagara Falls, in the State of New York, to illustrate the development of the Western Hemisphere during the nineteenth century, submit the following report:

The Pan-American Exposition Company is incorporated under the laws of the State of New York, with the following directors: Roswell P. Flower, Chauncey M. Depew, H. Walter Webb, Daniel O'Day, Edgar Van Etten, William F. Sheehan, J. M. Brinker, F. C. M. Lautz, Charles H. Haskins, Charles R. Huntley, E. B. Thomas, W. Caryl Ely, and H. P. Bissell, for the promotion and conduct of an exposition to illustrate the material progress of the New World during the nineteenth century, to be held at some suitable location on the Niagara frontier in the State of New York, and for the purpose of leasing or purchasing such location and constructing such buildings as may be necessary, and for the purpose of making all necessary contracts for power and other purposes, and for aiding any corporation or individual in such construction and improvement, and for such other business as may be expedient for the successful promotion and conduct of the exposition.

This organization was the outcome of the action taken by the American Exhibitors' Association at a meeting held at Atlanta, Ga., during the Cotton States Exposition, deciding that the Niagara frontier was a most suitable place for a big exposition to be held, if possible in 1899, and pledging the association to support the enterprise should it be undertaken by responsible people.

Upon examination of various points suggested along the Niagara frontier, Cayuga Island was selected for the purpose.

This island contains some 200 acres of land, and is separated by a narrow stream called the Little Niagara from the mainland. Cayuga Island is situated between the cities of Buffalo and Niagara Falls, and

is easily accessible from all the great trunk lines from east to west. The exposition is to be Pan-American—that is, especially devoted to the interests of the countries of North and South America.

The joint resolution is similar in its scope to that adopted for the Chicago, Atlanta, New Orleans, Nashville, and Omaha expositions. It would seem that the great section of the country east of Chicago and north of Atlanta deserves recognition at the hands of the National Government. It simply authorizes the President to call the attention of the governments in the Western Hemisphere to the intent and purpose of this exposition, after he has been fully satisfied that the financial resources of the company are fully assured. It also contains the usual clause permitting the exhibits of foreign countries to enter free of duty for exhibition purposes only, with the usual clause for the protection of the revenue, and requiring the company to pay all the expenses, including the salaries of customs officials in charge of the exhibits.

The fourth section reads as follows:

SEC. 4. That in the passage of this joint resolution the United States does not assume any liability of any kind whatever, and does not become responsible in any manner for any bond, debt, contract, expenditure, expense, or liability of the said exposition company, its officers, agents, servants, or employees, or incident to or growing out of said exposition.

The object is a worthy one. The exhibit is planned on a larger scale than is usual in the cases heretofore receiving any concession on the part of the Government, and has for its object the extension of our trade relations with all the Pan-American States in this era of trade revival, and especially of Pan-American trade. Such an exposition can not fail to be of vast national importance.

The favorable consideration of Congress for the proposed Pan-American Exposition, to be held at some suitable location on the Niagara frontier in 1901 for the purpose of illustrating the material progress of the New World during the nineteenth century, is urged by its advocates upon the following considerations:

A purely Pan-American Exposition will most certainly be of great value as an object lesson to the people of the New World, showing them how largely they have aided and participated in the various industrial, commercial, scientific, social, political, and other developments which have marked the history of the New World during the past one hundred years, and will also serve as a valuable reminder of those principles which were voiced in the utterances of the Monroe doctrine in the earlier days of the Republic of the United States, and which have been emphatically reiterated in the reciprocity views of later days. The history of the United States and of many of the countries of North and South America practically began one hundred years ago, and the accomplishments in various branches of human progress during the century have far surpassed those of any other period of the world's history.

A Pan-American Exposition on the scale and plan proposed will stimulate trade and encourage commercial and social relations between the United States and the Republics of Central and South America, and also with the Dominion of Canada.

The suitability of the Niagara frontier for the purpose of such an exposition is peculiar and emphatic, as it presents in a remarkably complete manner all the requirements and advantages desirable for such an enterprise. The Niagara frontier is the center of the largest population on the North American continent. Within a radius of 500 miles

there is a population of over 38,000,000, having unparalleled railroad and lake communications, with the very best passenger and shipping facilities connecting with all parts of the Western Hemisphere.

The Niagara frontier, intersected by the famous Niagara River, flowing from Lake Erie over the still more famous falls through the picturesque gorge to Lake Ontario, is a location of vast historical importance and great natural interest. At the inlet of the Niagara River is the thriving city of Buffalo, the gateway through which ebbs and flows a vast tide of traffic by land and water between the far West, the Northwest, the Dominion of Canada, the Atlantic seaboard, the great mining and industrial territory of Ohio and Pennsylvania, and the New England States.

The salubrious climate of the Niagara frontier is an especial recommendation. The records of the local Weather Bureau office show that its mean temperature is 47° , the highest temperature being less than 90° . During the month of August, 1896, when the rest of the country experienced a severe warm wave, on the Niagara frontier it was from 8° to 15° cooler than in any other place in the Union in the same latitude.

The Niagara frontier, being within the borders of the State of New York, can, with especial force, request recognition from Congress on account of its location, because recognition has already been extended to other sections of the United States. Expositions at which important Government exhibits have been made have already been held at New Orleans, Atlanta, and Nashville in the South, at San Francisco on the Pacific slope, at Omaha in the West, at Chicago in the Middle West, and Pennsylvania was honored at the Centennial in 1876. An exposition on a large scale, such as is now contemplated, has never yet been held within the borders of New York or the adjacent New England States.

It was originally intended that the Pan-American Exposition should be held during the summer of 1899, but owing to the condition of national affairs arising from the Cuban difficulty and the uncertainty of securing substantial Congressional recognition at this time for 1899, it was decided to postpone the date for holding the exposition.

The year 1901 has been selected in order to avoid any discourtesy to the Paris Exposition of 1900 that might have been inferred if that year had been named, and because it is believed that many valuable lessons may be learned and exhibits secured from that exposition.

The idea of holding the Pan-American Exposition in 1901 has been indorsed by all the municipalities and by many important mercantile bodies and other public institutions of the Niagara frontier, by both branches of the legislature of the State of New York, by the National Exhibitors' Association, and by many other prominent organizations.

The organizers of the Pan-American Exposition Company, which has undertaken the work of promoting the enterprise, are prominent and reputable citizens of New York, Buffalo, and Niagara Falls, abundantly able to provide any guarantee that may be necessary of the financial ability of the company to carry out the enterprise on a broad and comprehensive scale.

The committee recommend the passage of the bill with the following proviso added at the end of section 3:

And provided further, That all necessary expenses incurred, including salaries of customs officials in charge of imported articles, shall be paid to the Treasury of the United States by the Pan-American Exposition Company, under regulations to be prescribed by the Secretary of the Treasury.

DISPOSITION OF ABANDONED IMPORTED MERCHANDISE.

MAY 4, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. PAYNE, from the Committee on Ways and Means, submitted the following

REPORT.

[To accompany S. 3132.]

The Committee on Ways and Means, to whom was referred the bill (S. 3132) to provide for the disposition of abandoned imported merchandise, submit the following report:

This is an act to amend section 23 of the act of June 10, 1890, commonly known as the customs administrative act, by adding at the end of said section the following:

All merchandise so abandoned by the importer thereof shall be delivered by such importer at such place wherein the port of arrival as the chief officer of customs may direct, and on the failure of the importer to comply with the directions of the collector in this respect the abandoned merchandise shall be disposed of by the collector at the expense of such importer.

The amendment of section 23 is recommended by the Secretary of the Treasury in a letter addressed to the chairman of the Committee on Commerce, United States Senate, dated January 11, 1898, and also in his annual report for 1897. The letter and the extract from the report is appended, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., January 11, 1898.

SIR: I have the honor to transmit herewith, for the consideration of the Committee on Commerce, a draft of a bill entitled "A bill to provide for the disposition of abandoned imported merchandise," being an amendment and reenactment of section 23 of the act of June 10, 1890, and to recommend its enactment into a law. This bill is designed to carry out the recommendation contained in my last annual report.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The CHAIRMAN COMMITTEE ON COMMERCE,
United States Senate.

[Extract from Annual Report of the Secretary of the Treasury for 1897.]

Section 23 of the customs administrative act permits, under certain conditions, the abandonment by importers of all or any portion not less than 10 per cent of the merchandise included in any invoice. This abandonment often leaves in the hands of the collector a mass of material, such as decayed fruit and vegetable matter, which he is compelled to remove at the expense of the Government. I recommend that the section be so amended as to compel importers to deliver abandoned merchandise at such points as the collector of the port of entry may direct.

The committee report the bill back favorably, and recommend that the same do pass.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
CHICAGO, ILLINOIS

REPORT OF THE CHICAGO COMMISSION ON THE TEACHING OF CHEMISTRY

Presented to the Board of Trustees of the University of Chicago
in the year 1906

By the Commission on the Teaching of Chemistry,
organized in 1904

CHICAGO, ILLINOIS
1906

The Commission on the Teaching of Chemistry was organized in 1904 by the Board of Trustees of the University of Chicago, in response to a resolution passed at the meeting of the Board held on June 1, 1904.

The Commission was organized to study the present state of the teaching of chemistry in the United States, and to make recommendations for its improvement.

The Commission has held numerous public hearings, and has received many suggestions from chemists and laymen alike. It has also conducted extensive research into the various problems connected with the teaching of chemistry.

The Commission believes that the present state of the teaching of chemistry in the United States is such that it is necessary to make certain fundamental changes in order to bring it up to the level of the best foreign practice.

The Commission believes that these changes should be made in the following directions:

1. The curriculum should be made more uniform, and should include certain fundamental topics which are essential for a proper understanding of the science of chemistry.
2. The method of instruction should be changed, so that it is more in accordance with the principles of modern pedagogy.
3. The equipment of the laboratories should be improved, and the number of students per instructor should be reduced.
4. The salaries of the instructors should be increased, so that they are able to devote their full time to their teaching.
5. The position of the instructor should be made more permanent, and the system of promotion should be reformed.

The Commission believes that these changes are essential for the improvement of the teaching of chemistry in the United States, and it urges the Board of Trustees to take prompt action thereon.

Very respectfully,
The Commission on the Teaching of Chemistry

It is the duty of the Commission to report to the Board of Trustees the results of its work, and to make such recommendations as it deems proper. The Commission believes that the changes recommended above are essential for the improvement of the teaching of chemistry in the United States, and it urges the Board of Trustees to take prompt action thereon.

Very respectfully,
The Commission on the Teaching of Chemistry

SUSAN M. SESSFORD.

MAY 4, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SULLOWAY, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 1090.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1090) granting a pension to Susan M. Sessford, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension, at \$10 per month, Susan M. Sessford, of Washington, D. C.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1090) granting a pension to Susan M. Sessford, have examined the same, and report:

A similar bill was introduced in the Senate during the Fifty-fourth Congress, passed the Senate, and was reported favorably by the House.

The Senate report was as follows, which your committee adopt, and recommend the passage of the bill:

Thomas J. Martin served in Company D, Second Battalion, District of Columbia Infantry, and drew a pension (certificate No. 599845). Immediately after his discharge from the Army Mr. Martin was employed in the Government blacksmith shop on the White House Lot, at \$18 a week. While repairing the Government smallpox ambulance he contracted that disease in an aggravated form, and his illness, combined with his military service, affected his physical strength during the remaining years of his life. From the date of his discharge he was a sufferer with severe pains in his head, which were intensified by the smallpox, and this disability is believed to have been the predisposing cause of his death from sunstroke.

The fact that Mrs. Sessford was supported by her son is established by the following affidavit of Dr. Sardis L. Crissey:

Affidavit in support of Senate bill 1510, to pension Mrs. Susan M. Sessford.

From about 1871 to 1885 I had charge of Bethany Mission Sunday School, situated at the corner of Thirteenth and C streets NW., it being a mission of the New York Avenue Presbyterian Church. While there Mr. John H. Sessford, since deceased, and late husband of Susan M. Sessford, came to the school with his little grandson, whom he had taken to bring up. He came regularly for some time and sat in the infant class during the whole exercises, as the boy was bashful and wished him there. His life seemed bound up in the lad's life. They walked, ate, and slept together. In a few years the boy sickened and died. Out of Mr. Sessford's sorrow and grief came a new experience, which formed outward manifestation in his union with the church.

During the fall of 1888 Mr. Sessford was taken sick. He told me that his wages had been stopped, that he had no means, and needed assistance. I applied for and received aid from the church for his comfort and maintenance during his entire sickness. He died January 13, 1889. Before his decease he wished my promise that I would see that his wife was cared for. Mrs. Sessford received a small amount of life insurance, which, with her household effects (which she disposed of), provided her a support for some two years, as I recall. She then applied for help, which was granted. Having incidentally learned that she had a son, Thomas J. Martin, by her first husband, we called on him to support his mother. He said he could do so in part, but not entirely, as he was in debt, and had others depending on him for support. For some time our church and Mr. Martin contributed about equally to Mrs. Sessford's support. For about eighteen months before Mr. Martin's death, which occurred June 3, 1895, he had provided entirely for his mother's support.

Since his death the New York Avenue Church has been in part supporting her. She has \$10 per month cash from the church, and a stove was given her last fall, and clothing and food have been contributed as she has had need by the individual members of the church. She is now in her seventy-eighth year.

Mr. Sessford was captain of the first fire company organized in this District. He was an honorable, industrious man, a kind neighbor, and a worthy citizen.

SARDIS L. CRISSEY.

Witness:

CHARLES L. GURLEY.

Subscribed and sworn to before me, a notary public in and for the District of Columbia, this 16th day of March, A. D. 1896.

[SEAL.]

CHARLES L. GURLEY,
Notary Public, District of Columbia.

Your committee recommend the passage of the bill after being amended by striking out the words, in lines 11 and 12, "from the date of the decease of her son, the said Thomas J. Martin."

The bill is therefore reported back with the recommendation that it pass when amended as follows:

Strike out all of line 7 after the word "Martin."

Also strike out all of lines 8, 9, and 10.

From line 11 strike out "five, and that she be paid," and insert in lieu thereof the following: "late of Company D, Second Battalion, District of Columbia Infantry, and pay her a pension."



JULIA E. WARNER.

MAY 4, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STURTEVANT, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 4004.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 4004) granting a pension to Julia E. Warner, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension, at the rate of \$12 per month, Julia E. Warner, of Ellsworth, Wis.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 4004) granting a pension to Julia E. Warner, have examined the same and report:

The beneficiary named in the bill is the widow of Hans B. Warner, a private in Company G, Thirtieth Wisconsin Infantry. On the 30th day of July, 1864, the soldier was wounded in action on Cemetery Heights, near Petersburg, Va. He suffered a gunshot wound in the left hand, the ball coming out near the middle of the lower third of the forearm. At the time of his death, which occurred in 1896, the soldier was receiving a pension of \$17 per month, but during a considerable part of the time since discharge he was allowed but \$2 and \$6 per month for a serious disability, and it was not until 1890 that a rating commensurate with his disability was allowed.

The soldier died August 18, 1896, leaving the widow in destitute circumstances. There was but little property, and the income therefrom is insufficient for the widow's support.

Your committee recommend that the bill be amended by striking out the words "that she receive," in the eighth line, and insert in lieu thereof the words "pay her." Also, strike out the word "fifteen," in the same line, and insert the word "twelve," and that as so amended the bill do pass.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 6, strike out the words "the late."

In line 8, after the word "pension" insert the words "at the rate."

INCREASED WORK IN THE ADJUTANT-GENERAL'S
DEPARTMENT OF THE ARMY.

MAY 5, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 10163.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 10163) to provide for the proper handling of the increased volume of work in the Adjutant-General's Department of the Army, due to the calling out of volunteers and the increase of the Regular Army, report the same back to the House with the recommendation that it do pass with the following amendments:

Strike out the word "now," in line 3 of page 2, and insert after the word "by," in line 4 of page 2, the word "the," and add the following at the end of the bill: "In force prior to the passage of this act," so that the last clause shall read—

reduced to the number authorized by the law in force prior to the passage of this act.

Submitted herewith and made a part of this report is a letter from the honorable Secretary of War bearing on the subject.

WAR DEPARTMENT,
Washington, April 28, 1898.

SIR: I beg to submit for your consideration a proposed bill which temporarily adds three officers to the present number of officers in the Adjutant-General's Department of the Army. The present legal complement exceeds by but one officer the number of officers it contained at the outbreak of the rebellion, when the Army was only three-fifths the size of the peace establishment as now fixed by law.

The work falling on the Adjutant-General's Department, both in the field and in Washington, has trebled within the last three weeks, and its volume is likely to increase rather than diminish during the continuance of the present war. I therefore regard the increase provided for in the bill as absolutely necessary, and one that would conduce to the public interests in a marked degree.

Very respectfully,

R. A. ALGER, *Secretary of War.*

Hon. JOHN A. T. HULL,

Chairman Military Committee, House of Representatives.

P. B. S. PINCHBACK.

MAY 5, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SULLIVAN, from the Committee on Claims, submitted the following

REPORT.

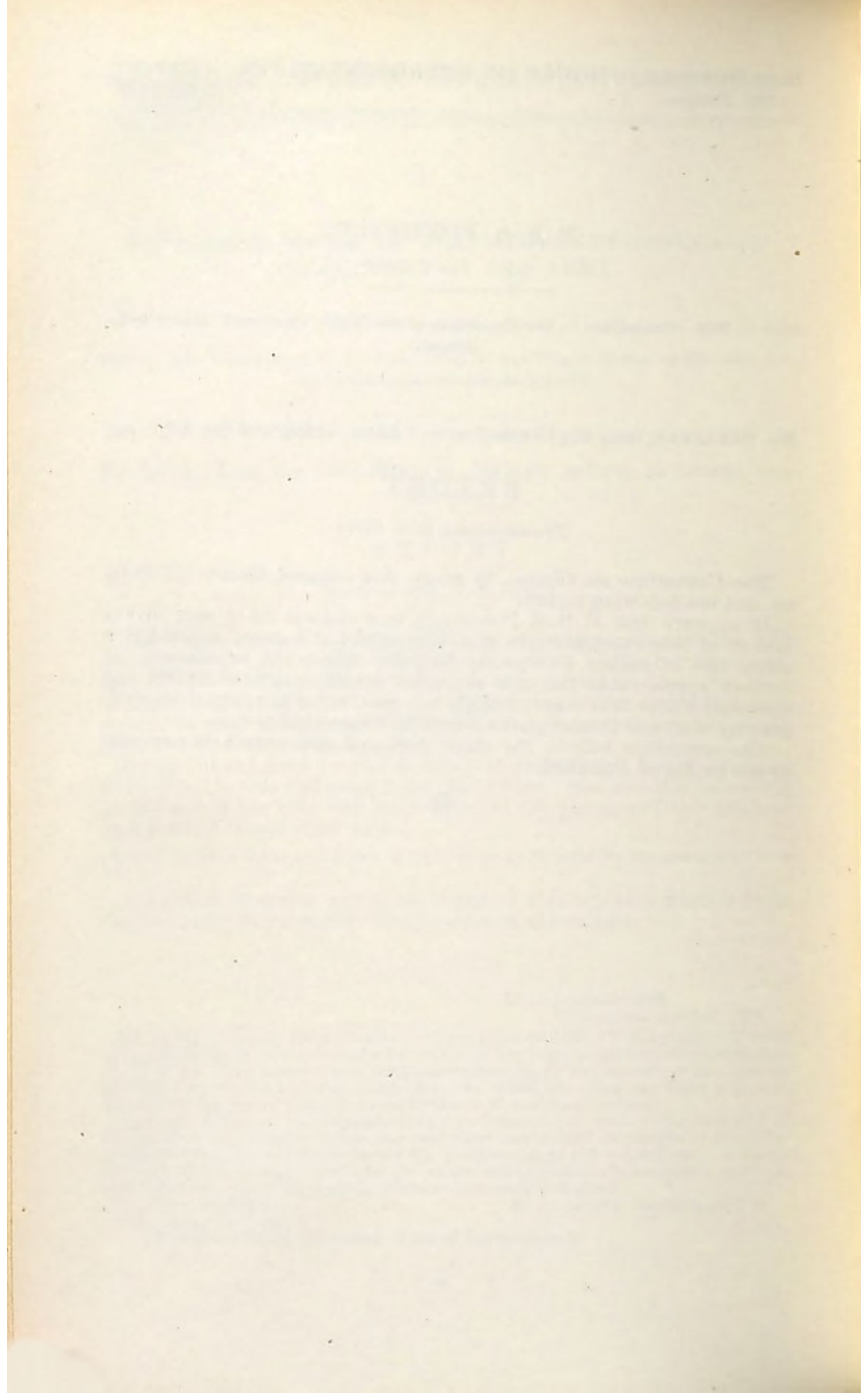
[To accompany H. R. 9142.]

The Committee on Claims, to whom was referred House bill 9142, submit the following report:

It appears that P. B. S. Pinchback, in a contest for a seat in the House of Representatives in the Forty-third Congress, expended a large sum of money, George A. Sheridan being the contestant. It further appears that the sum expended largely exceeded \$2,000, and that only \$2,249.25 is asked, though not one-third of the actual expenditure by him, and that no part thereof has been paid to him.

The committee believe the claim just, and recommend its payment to the extent of \$2,249.25.





GOTTLOB SCHLECHT ET AL.

MAY 5, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. McEWAN, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 8039.]

The Committee on Claims, to whom was referred the bill (H. R. 8039) for the relief of Gottlob Schlecht and Maurice D. Higgins, and for the relief of the heirs and legal representatives of William Bindhammer and Valentine Brasch, have had the same under consideration and submit the following report:

On September 10, 1897, at about 7.45 a. m., during construction of emplacement No. 6 battery at Willets Point, N. Y., a large derrick used in placing concrete fell, owing to the breaking of two of the guys. Several men were working on the parapet at the time. The top of the mast struck two of the men, one of whom was instantly killed, the other living but about twenty minutes. These men were Valentine (Charles) Brasch and William Bindhammer. Two other men were struck by the falling guys and injured seriously. The report of the assistant engineer in charge of the work shows that the accident was one which could not be foreseen and that the results were not due to any fault or carelessness on the part of the killed or injured men.

Brig. Gen. John M. Wilson, Chief of Engineers, in reporting the case to the Secretary of War, says:

It seems proper that relief should be afforded by the Government to the injured and the representatives of the killed, in the manner proposed in House bill 8039.

Your committee would further report that the hospital records and evidence by affidavit before them show that the two injured men, Gattleib Schlecht and Maurice D. Higgins, were, and still are, incapacitated for labor.

Wherefore your committee recommend the passage of the bill, with the following amendments:

Amend on page 2, line 18, by striking out the words "twenty thousand," and inserting in lieu thereof the words "twelve thousand four hundred."

And also amend on page 2, line 20, by striking out the words "five thousand," and inserting in lieu thereof the words "twelve hundred."

Also, that the first name of Schlecht be made to read Gottlob, instead Gattleib, wherever it appears in the bill.

The official correspondence from the War Department and the affidavits in the case appear in the appendix to this report.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 15, 1898.

DEAR SIR: Will you have the kindness, at your earliest convenience, to furnish me with a report from the engineer officer, Major Knight, under whose directions the men named in the inclosed bill were employed, concerning the accident.

Also, that a copy of the hospital records, and any other information that may bear on the subject, together with any recommendation you may be pleased to make concerning the justice of the payment provided by the bill.

Very truly, yours,

JOSEPH M. BELFORD.

Brig. Gen. JOHN M. WILSON,
Chief of Engineers U. S. A., Washington, D. C.

[First indorsement.]

OFFICE CHIEF OF ENGINEERS UNITED STATES ARMY,
February 16, 1898.

Respectfully referred to Maj. H. M. Adams, Corps of Engineers, for report.

The commanding officer, post of Willets Point, has been directed to furnish a copy of the post hospital records.

An early return of this paper is requested.

By command of Brigadier-General Wilson.

JOSEPH E. KUHN,
Captain, Corps of Engineers.

[Second indorsement.]

UNITED STATES ENGINEER'S OFFICE,
New York, February 17, 1898.

Respectfully returned to the Chief of Engineers, United States Army.

On September 10, 1897, at about 7.45 a. m., during the construction of emplacement No. 6 battery at Willets Point, N. Y., a large derrick used in placing concrete fell, owing to the breaking of two of the guys. Several men were working on the parapet at the time. The top of the mast struck two of the men, one of whom was instantly killed, the other living but about twenty minutes. Two other men were struck by the falling guys and injured. The injured men were cared for by the post surgeon and taken to the post hospital.

The names, occupations, rates of pay, and periods of employment during the year 1897 of these men were as follows:

Charles Brasch, killed; laborer, \$1.60 per day; employed from May 3 to September 10, 1897.

William Bindhammer, killed; laborer, at \$1.60 per day; employed from May 27 to September 10, 1897.

Gottlob Schlecht, injured (reported 2 ribs and arm broken); laborer, \$1.60 per day; employed from August 16 to August 31, and from September 7 to September 10, 1897.

Maurice Higgins, injured (reported 2 ribs and collar bone broken); laborer, at \$1.60 per day; employed from July 15 to September 10, 1897.

The accident was one which could not be foreseen, and the results are not due to any fault or carelessness of the killed and injured men.

In the absence of Major Adams, on duty.

HENRY N. BABCOCK,
Assistant Engineer.

Received office Chief Engineers, February 18, 1898.

[Third indorsement.]

WAR DEPARTMENT, March 2, 1898.

Respectfully returned to Hon. J. M. Belford, House of Representatives, inviting attention to the accompanying reports of the Chief of Engineers, United States Army, and Assistant Engineer Babcock, together with certificate of hospital record bearing upon the matter herein presented.

G. D. MEIKLEJOHN,
Acting Secretary of War.

UNITED STATES ENGINEER SCHOOL,
Willets Point, N. Y., February 19, 1898.

GENERAL: In compliance with the instructions of the Chief of Engineers, United States Army, dated February 16, 1898 (22595), I have the honor to forward copies of post hospital records in the case of Gottlob Schlecht and Maurice Higgins.

The surgeon reports that William Bindhammer and Valentine Brasch do not appear

on the hospital record, as they were almost instantly killed and their bodies cared for and taken away by the coroner of Queens County, N. Y.

Very respectfully,

JOHN G. D. KNIGHT,
Major, Corps of Engineers, Commanding.

Brig. Gen. JOHN M. WILSON,
Chief of Engineers, Washington, D. C.

I hereby certify that the following is a true copy of the post hospital records at Willets Point, N. Y., pertaining to the below-mentioned case, viz: "No. 12961, Maurice Higgins, aged 47, born in Ireland; was brought to the post hospital September 10, 1897, with the following injuries, received while at work on the Government fortifications: Simple fracture left clavicle, middle third; simple fracture of fourth rib, left side, and severe contusion left shoulder, caused by the fall of a derrick. Returned to his home at Whitestone, N. Y., October 14, 1897."

H. S. TURRILL,
Major and Surgeon, U. S. A., Surgeon.

WILLETS POINT, N. Y., *February 19, 1898.*

I hereby certify that the following is a true copy of the post hospital records in the below-mentioned case, viz: "No. 12962, Gottlob Schlecht, aged 59, born in Germany; was brought to the hospital September 10, 1897, with the following injuries, received while at work on the Government fortifications: Simple fracture of right ulna, lower third; fracture of fifth rib, right side, and several contusions of left side of head and left hip, caused by the fall of a derrick. Left hospital October 23, 1897."

H. S. TURRILL,
Major and Surgeon, U. S. A., Surgeon.

WILLETS POINT, N. Y., *February 19, 1898.*

FLUSHING HOSPITAL,
Flushing, N. Y., January 18, 1898.

To whom it may concern:

This is to certify that Gottlob Schlecht has been at this institution for some time, suffering from the sequelæ of injuries received during an accident at the fortification of Willets Point, New York Harbor. The extent of the injuries has been such as to render him unable for work for some time, and even at the present time the above named is not yet in a condition that would render him fit for manual labor.

Certified this 18th day of January, 1898.

A. J. KAUFMAN, M. D.,
Resident Physician.

EDWARD BLEECKER,
Attending Physician.

OFFICE OF THE CHIEF OF ENGINEERS U. S. A.,
Washington, February 24, 1898.

SIR: I have the honor to submit herewith a letter of Hon. J. M. Belford, United States House of Representatives, dated February 15, 1898, inclosing with request for information and recommendation a copy of House bill No. 8039, Fifty-fifth Congress, second session.

The report by Henry N. Babcock, an assistant engineer, under Maj. H. M. Adams, Corps of Engineers, the officer in charge of the work on which the accident occurred, and a communication from Maj. J. G. D. Knight, Corps of Engineers, commanding post of Willets Point, N. Y., dated February 19, 1898, inclosing copies of the hospital records in the cases of Schlecht and Higgins are also herewith. Major Knight states that there is no hospital record in the cases of William Bindhammer and Valentine Brasch, as they were almost instantly killed and their remains cared for and taken away by the coroner of Queens County, N. Y.

From these reports it appears that the four men named were in the employ of the United States in the construction of fortifications at Willets Point, N. Y.; that while they were engaged in such work a large derrick fell, owing to the breaking of two of the guys, a portion of the derrick striking and killing two of the men and the guys striking and injuring the other two; and further, that the accident was not due to any fault or carelessness on the part of the killed or injured men.

Under the circumstances it seems proper that relief should be afforded by the Government to the injured and the representatives of the killed in the manner proposed in House bill No. 8039.

It will be noticed that Gattleib Schlecht is referred to in the accompanying reports as Gottlob Schlecht, and Valentine Brasch appears in the report of Mr. Babcock as Cherles Brasch.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Brig. Gen., Chief of Engineers U. S. Army.

Hon. R. A. ALGER, *Secretary of War.*

STATE OF NEW YORK, *County of Qucens, ss:*

Charles D. Story, being duly sworn, deposes and says: I am a practicing physician, residing in the borough of Queens, city of New York; have this day examined Maurice D. Higgins, of Whitestone, who was injured in an accident at Willets Point, on September 10, 1897, and find that his left clavicle or collar bone was broken, or its distal or outer extremity, and now overrides to the extent of about one inch, allowing the shoulder to drop; also several of his upper ribs fractured, with pleuritic adhesions now existing in the region of the fracture, causing much pain on motion and on use of his arm, he being at the present time unable to raise his left arm above a horizontal position without great pain. He is also exceedingly stiff in the back, being unable to stand erect or perform any manual labor.

I find from my examination that these injuries are to a great extent permanent in character, and will seriously interfere with the performance of manual labor, and may be the seat of tuberculous disease.

CHARLES B. STORY.

Subscribed and sworn to before me the 21st day of March, 1898.

JAMES L. CAIN,
Notary Public, Queens County, N. Y.

STATE OF NEW YORK, *County of New York, ss:*

T. Hamilton Burch, being duly sworn, deposes and says: I am a practicing physician at No. 68 West Forty-fifth street, in the borough of Manhattan, New York City. I have this day examined Gottlob Schlecht, and find that the said Schlecht, who was injured in an accident at Willet's Point on September 10, 1897, sustained several broken ribs on the right side and a complicated fracture of the right forearm, which has destroyed the coordination of the muscles in that arm, rendering it impossible for any direct application of power to be exerted by him. Also that said Schlecht has sustained permanent injury in the muscles of the right shoulder. In my opinion the extent of these injuries is such that they now render and will permanently continue to render him incapable of doing manual labor.

In addition to the above I find that said Schlecht is suffering from articular rheumatism, which, from the history of the case, is doubtless the direct result of said accident, having appeared immediately after the same occurred. It is of course impossible to say anything definite as to the permanence of this last-named condition.

T. HAMILTON BURCH, M. D.

Subscribed and sworn to before me, this 24th day of March, 1898.

ARTHUR M. MCKNIGHT,
Notary Public, Queens County, N. Y.

STATE OF NEW YORK, *County of Queens, ss:*

Gottlob Schlecht, being duly sworn, deposes and says: That he resides in the village of Whitestone, in the borough of Queens, in the city of New York. He was injured in the accident on Government work at Willets Point on September 10, 1897. In said accident his right arm was broken in two places, three ribs were broken on his right side, and four holes were made in his head and his nose broken in two places, and he was severely injured in his stomach and back. He has been unable to perform manual labor since, and is now unable to perform manual labor, and believes that he is permanently disabled for such work. He, from the time of said accident, was never subject to rheumatism or any other complaint with a tendency to incapacitate him for work, and has always been able to perform a full day's work prior to this accident.

GOTTLOB SCHLECHT.

Subscribed and sworn to before me this 21st day of March, 1898.

JOHN J. TRAPP,
Notary Public, Queens County, N. Y.

CLASSIFICATION OF LETTERS PATENT, ETC.

MAY 5, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HICKS, from the Committee on Patents, submitted the following

REPORT.

[To accompany S. 4168.]

The Committee on Patents, to whom was referred the bill (S. 4168) for revising and perfecting the classification of letters patent and printed publications in the Patent Office, submit the following report:

The bill under consideration, as referred to your committee, is almost identical with H. R. 7082, and seeks to remedy the difficulties attending the work of the Patent Office by giving the Commissioner authority to employ additional force so as to not only properly classify the work of this very important department of the Government, but to more speedily complete the work of the granting of patents by overcoming the vexatious delay that now exists.

The committee adopt the reasons urged by the chairman of the Senate committee, as follows:

The Committee on Patents, to whom was referred the bill (S. 4168) for revising and perfecting the classification of letters patent and printed publications in the Patent Office, beg leave to report as follows:

Our patent system proceeds upon the idea that when an application for a patent is made it is to be determined in the Patent Office before letters patent are issued that the invention is new and useful and made by the applicant. This involves an examination of every application for a patent, and search in the whole field of domestic and foreign patents already granted, and in all published technical works, to discover whether the invention has been anticipated. In other words, whether, in the language of the Constitution, it is "new and useful." The wonderful increase of inventions, of patents at home and abroad, has greatly enlarged the field of search, and yet, if a patent is to be what under our law it purports to be, of real value to the inventor and prima facie evidence of title to his invention, the search and examination must be thorough and complete. In order that this may be so it is absolutely necessary that the Patent Office shall contain all the documents and papers necessary for a complete investigation, and that they be so classified that the examiners may in the shortest practicable time find everything relating to the subject-matter contained in the application for the patent. The better the classification the more promptly the work can be accomplished and the more certainty that a patent will not be granted for something old or known in the arts.

It has been impossible with the force at command in the Patent Office to keep pace with the increased work of examination of applications and the arrangement, perfection, and classification of the sources of information necessary to determine the originality of alleged invention. The increase of force has not been commensurate with the increase of work, and great embarrassment arises in the prosecution of the work in the imperfect classification of the material which must be referred to by the examiner. There has been little increase in the force of examiners and assistant examiners since 1886. In that year the number was increased to 188; the number now

is precisely 200. The number of applications received in 1886 was 35,968. The number in 1887 was 35,613. The number of applications received in 1897 was 47,905, an increase of 33 per cent in the work to be done, and only 6 per cent in the force to do it.

The increase in the field of search is enormous. Each year since 1883 more than 20,000 patents have been issued by the United States. In 1890 the number was 26,000. Last year the number was 23,794. The number of foreign patents issued each year is something over 60,000. The number of American patents, including designs, not including reissues or the registration of trade-marks, labels, and prints, issued up to January 1, 1898, exceeds 600,000. The number of foreign patents is over 1,122,000. There is a vast increase in the number of technical journals and scientific publications relating to the industrial arts from which searches, if they are to be complete, must be made. The work of the Patent Office has so rapidly increased that it has been impossible to keep up with it. The examiners and assistant examiners are men of skill and capacity, adapted to their work, faithful and laborious. In many of the classes they are voluntarily working over hours in the endeavor to keep up with current business, and yet the work of the office has fallen behind until now from four to seven months are required for final action upon applications, and this without fault in administration.

The pressing need now is for a more perfect arrangement of the patents and applications and references of all kinds in the Patent Office. When it is remembered that the expenses of the Patent Office are not only paid by inventors, but that a surplus is each year turned into the Treasury of the United States, it would seem there could be no question of the duty of Congress to provide sufficient force for the prompt transaction of the business. The amount paid into the Treasury last year over and above all the expenses of the office was \$252,798.58. The increase of force requested in this bill would, it is believed, result in such increased facilities for the transaction of business that the annual surplus would not be seriously reduced. The Commissioners of Patents have for years recommended provision for an adequate force to perform this work. Amendments have been frequently inserted in the legislative appropriation bill by the Senate, but have failed in conference.

The Secretary of the Interior earnestly recommends this measure, as is shown by the following letters:

DEPARTMENT OF THE INTERIOR,
UNITED STATES PATENT OFFICE,
Washington, March 18, 1898.

MY DEAR MR. SECRETARY: Referring to my conversations with you relative to an increased force for this office, I wish to report that Senator O. H. Platt, at my suggestion, introduced the bill in the form of an amendment to the sundry civil appropriation bill. I had a hearing before that committee yesterday. Every member of the committee present admitted the urgent necessity for the relief we asked for, but doubted the advisability of putting it into that appropriation. Upon their suggestion Senator Platt yesterday afternoon introduced the bill as Senate bill 4168.

I wish you would send to Senator O. H. Platt at the earliest possible moment your approval of the measure. The passage of the bill would without doubt result in the earlier issue of patents and enable a more complete and thorough examination to be made, thereby preventing the issue of many worthless patents. The public would be the gainers by this, and manufacturers and inventors certainly would be greatly assisted and pleased, because they would have their applications passed to issue in better form and at an earlier date.

In 1886 there were 188 examiners in this office, and at the present time there are 200. The number of applications received in 1886 was 35,968; in 1897 the number was 47,905. There was, as you will see, an increase in work of about 33 per cent, while the increase in force is only 6 per cent. Each examiner in 1897 did at least 17 per cent more work than in 1886.

These are a few of the reasons which lead me to ask you to make the indorsement as strong as possible.

I remain, very respectfully, yours,

C. H. DUELL, *Commissioner.*

Hon. C. N. BLISS,
Secretary of the Interior.

DEPARTMENT OF THE INTERIOR,
Washington, March 18, 1898.

SIR: I transmit herewith a copy of a communication of even date from the Commissioner of Patents in relation to Senate bill 4168, Fifty-fifth Congress, second session, "for revising and perfecting the classification of letters patent and printed publications in the Patent Office."

This measure was strongly advocated by the late Commissioner, Benjamin Butterworth, and is equally as strongly approved of by the present Commissioner of Patents, Duell.

The condition of the work in the Patent Office is such that relief in some form must be provided. The present force of the examining corps is, I am advised, inadequate to perform the current work of examinations, so that they could hardly be expected, in addition to their regular work, to engage in making classifications of patents and publications of the Patent Office.

In view of the present condition of the finances of the country, I have been loath to recommend appropriations for any material increase in the clerical force of the Department, but in this instance the demand of the public business is such as to warrant me in departing from such rule so far as the Patent Office is concerned. This measure will afford the Patent Office the relief desired, and I urge upon the committee its favorable consideration.

Very respectfully,

C. N. BLISS,
Secretary.

Hon. O. H. PLATT,
Chairman Committee on Patents, United States Senate.

No additional argument, in the judgment of your committee, is needed to prove the necessity for the immediate enactment of this very necessary measure, that will bring relief to hundreds of inventors residing in all parts of the country, who are now justly complaining of the delay attending the proper transaction of their business.

Your committee unanimously recommend that the bill pass.

EXTENSION OF THE METROPOLITAN RAILROAD.

MAY 5, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. CURTIS, of Iowa, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 10222.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10222) to authorize the extension of the Metropolitan Railroad, after having given numerous hearings to interested parties, and after careful consideration of the matter, recommend that House bills 4393, 7754, 8054, 8420, 8625, 8844, and 9157, relating to the same subject, be laid upon the table, and that House bill 10222 do pass.

The present terminus of the Connecticut avenue line of the Metropolitan Railroad is on Columbia road, at the point of its intersection with Eighteenth street.

The residents of the territory north of Columbia road and between Fourteenth street and the park, including residents of Mount Pleasant, have urged upon the committee the great need that exists of increased means and facilities for rapid transit for that neighborhood, and particularly the need of direct communication with those parts of the city reached by the lines of the Metropolitan Railroad.

The railroad company has expressed its willingness to construct the road at once if authorized to do so.

The bill has the approval of the Commissioners of the District.

It proposes to extend the present underground electric system of the Metropolitan Company from its present terminus at Eighteenth street eastwardly along Columbia road to Erie street, along Erie street to Seventeenth street, along Seventeenth street extended to Park street.

Inasmuch as Erie street and Seventeenth street north of Columbia road are not now completely open or graded, it has been necessary to provide in the bill that the company shall at its own cost acquire through the streets named the right of way over a strip of land 30 feet in width along the proposed route. The bill also provides that when the said streets are opened or widened the company shall convey to the District for the use of the public the right of way so to be acquired by it, subject only to the company's right of user.

The bill, it is believed, properly protects the District.

Its passage is asked and urged by the residents of the region into which the proposed route enters, and is recommended by the committee.

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PERMANENT SYSTEM OF HIGHWAYS IN THE DISTRICT
OF COLUMBIA, ETC.

MAY 5, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. BABCOCK, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany H. R. 10209.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10209) to repeal an act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and for other purposes, recommend that House bills Nos. 3970, 5176, 5425, and 5882, relating to this same subject, be laid upon the table, and that H. R. 10209, to repeal the act, to declare void the proceedings thereunder, and that owners of lands thereby affected shall have the same use and enjoyment of their lands as though such proceedings had never been instituted, do pass.

The bill also provides that no subdivision of unsubdivided lands shall hereafter be permitted, no street or highway shall hereafter be extended or improved that is not in substantial conformity to the plan of the city of Washington.

The committee have had the benefit of full explanations from the Commissioners of the District; they have given numerous hearings to all persons who have desired to be heard; and they have carefully considered all the information which they have been able to obtain concerning the very important subject to which the bills referred to relate.

Upon one proposition there appears to be absolute unanimity of opinion, and that is that the existing law is impossible of execution, and that it would cause great and irreparable injury and injustice to the residents of the District to continue it in force in its present form.

Notwithstanding the fact that the act has been on the statute book for more than five years, maps of only two sections, covering not one-half of the area of the District outside the city, have been completed and recorded.

The committee incorporates as a part of its report the report of the special counsel of the Commissioners (Senate Doc. No. 180, Fifty-fifth

Congress, second session), showing that of the forty-eight condemnation cases relating to subdivisions in section 1, embracing the territory between Rock Creek and North Capitol street, begun in the District court, not one has been brought to a conclusion. Six cases have been tried, but in neither one of these has there been a final verdict, and in four instances the jury found it impracticable for them to render a complete verdict in accordance with the requirements of the act.

The Senate document is as follows:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, March 7, 1898.

SIR: The Commissioners of the District of Columbia have the honor to make return to the following resolution of the Senate:

"Resolved, That the Commissioners of the District of Columbia be, and they are hereby, directed to inform the Senate what moneys have been expended and what liabilities have been incurred, and what bills have been presented for and in respect of the fees and compensation of attorneys and landscape gardeners and for the making of surveys and maps in the execution of the act entitled 'An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities,' approved March 2, 1893, dated March 1, 1898."

They respectfully inclose herewith a statement from the auditor of the District of Columbia showing the expenditures made and liabilities incurred for fees and compensation to landscape gardeners and for making surveys and maps in the execution of the said act. The said statement also contains the amounts paid for services of special attorneys, under and by virtue of the provisions contained in acts of Congress dated, respectively, June 8, 1896, and July 19, 1897.

With regard to the liabilities which have been incurred to such special attorneys, they deem it proper to make the following statement: All proceedings under the highway act were suspended during the pendency of the appeal to the Supreme Court of the United States upon many questions involved in the said highway act. The decision of the said court affirming the constitutionality of the said act was rendered May 10, 1897.

In view of the long-pending litigation, and the distress and embarrassment caused to property owners by the pendency of the causes referred to, it was deemed by the Commissioners absolutely essential for the interests of the people of the District to expedite the trial of these causes, in conformity with the opinion so rendered, at the earliest possible moment. Inasmuch as the various courts of the District were about to cease operations during the summer months, it was impossible to procure the services of a judge who could sit continuously to hear these causes under the decision aforesaid prior to the convening of the regular term of the District courts in the month of September, 1897. The Commissioners submitted the question to the attorney for the District as to whether he would be enabled to prosecute these causes to effect, and received from him a reply which was as follows:

"Replying to your letter of the 20th instant, regarding the street extension cases, I have to say, in view of the regular and increasing work of my office, it will be impossible for me, as the office is now equipped, to try those cases."

"The highway extension act contemplates the trial of those cases by a judge, with a jury in attendance, as in ordinary cases, and, so far as subdivisions are concerned, that the cases should be proceeded with without delay. The interests of property owners affected also require that the cases be disposed of as speedily as possible."

"There are 47 subdivisions embraced within the first section, each subdivision being a case, one of which (the Dennison and Leighton), No. 419, has been partially disposed of. It took a week to try that case in court, and the jury took several days after it was submitted to them to make up their verdict."

"There are about 100 parcels of property, improved and unimproved, in the Dennison and Leighton subdivision, represented by perhaps 60 individual owners, while the Meridian Hill subdivision (also in section 1) contains about 400 parcels, represented by about 250 individual owners."

"While case No. 419 may not be a fair sample because of the novelty of the proceedings and the fact that the statute had not then received judicial construction, yet it is apparent that considerable time will be required to try each case, and I would be greatly surprised if a court year would not be consumed in the trial of the 47 cases in the first section, although after the cases get well under way better progress may be made."

Inasmuch as the property owners were provided with the services of some of the ablest attorneys in the District, the Commissioners deemed it their duty to secure the services of attorneys outside of the regular force who would give special attention to these important matters and would be prepared to secure the earliest possi-

ble action by the courts. The following orders were accordingly passed by the Commissioners:

AUGUST 30, 1897.

Ordered, That A. A. Birney is hereby designated to prosecute the street-extension cases in the courts of the District of Columbia under the act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893, and amendments thereto, with compensation at \$5,000 per annum, for the year beginning September 1, 1897, with one assistant at \$2,000 per annum and one at \$1,500 per annum, on condition that no obligation for his compensation or that of his assistants is hereby incurred, but that such compensation shall depend upon the making of future appropriations therefor by Congress.

SEPTEMBER 9, 1897.

Ordered, That, in accordance with the provisions of the order of August 30, 1897, Hon. John J. Hemphill is hereby designated to assist A. A. Birney in the prosecution of the street-extension cases in the courts of the District of Columbia under the act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," with compensation for his services at the rate of \$2,000 per annum, on condition that no obligation for his compensation is hereby incurred, but that such compensation shall depend upon the making of future appropriations therefor by Congress.

That Warder Voorhees is hereby designated as the second assistant to A. A. Birney in the prosecution of the street-extension cases in the courts of the District of Columbia under the act entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," with compensation for his services at the rate of \$1,200 per annum, on condition that no obligation for such compensation is hereby incurred, but that it shall depend upon the making of future appropriations therefor by Congress.

The attorneys named in these orders entered actively upon the trial of these causes, and the last services rendered by them were on February 2, 1898. Since that date no further trials have been had and no further liabilities incurred. No bills whatever for services rendered by the special attorneys herein referred to have been presented. A detailed report of the work performed by said attorneys is herewith respectfully transmitted.

I have the honor to be, with great respect, very truly, yours,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

THE PRESIDENT OF THE SENATE.

OFFICE AUDITOR OF THE DISTRICT OF COLUMBIA,
Washington, D. C., March 4, 1898.

Expenditures and liabilities under the act to provide a permanent system of highways, approved March 2, 1893.

EXPENDITURES.

For surveying, photolithographing maps, and preparing plans, including cost of stationery and office supplies, and compensation of engineers, draftsmen, and other employees	\$31,003.77
For services, F. Law Olmsted, landscape architect.....	3,000.00
For personal expenses, F. Law and J. C. Olmsted, landscape architects..	358.75
For personal expenses, Olmsted, Olmsted, and Eliot, landscape architects.	760.80
For clerk and marshal's fees, pay of jurors, witnesses, and stenographers.	7,288.49
For advertising.....	2,803.60
For services, A. S. Worthington and Samuel Maddox, attorneys.....	1,000.00
For services, A. S. Worthington, attorney	5,000.00
Total amount expended	51,215.41

LIABILITIES:

For plans and court expenses, bills presented, not yet paid.....	105.31
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Compensation, commencing with March 1, 1898, at the daily rate of \$31, is due to the office force engaged in preparation of maps and plans.

CONTINGENT LIABILITIES.

For services, A. A. Birney, special attorney, from September 1, 1897, at \$5,000 per annum.

For services, John J. Hemphill, special attorney, from September 9, 1897, at \$2,000 per annum.

For services, Warder Voorhees, special attorney, from September 9, 1897, at \$1,200 per annum.

NOTE.—The attorney for the District, S. T. Thomas, being unable to give the necessary attention to the highway extension cases, Messrs. Birney, Hemphill & Voorhees were appointed, with the understanding and agreement that no compensation should be allowed nor liability incurred for their services unless Congress shall make specific appropriation therefor.

CASES PENDING IN COURT.

There are forty-eight cases of condemnation proceedings that have been filed and are now pending in court, which Special Attorney Birney estimates will cost upon an average \$300 each, or a total amount of \$14,400.

J. T. PETTY,
Auditor District of Columbia.

MARCH 7, 1898.

GENTLEMEN: We have the honor to make the following report, showing proceedings conducted by us, as your attorneys, under the act of Congress entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March 2, 1893.

We were employed as your attorneys in the early part of September, 1897, the contract with Mr. Birney being from September 1, and the contract with Messrs. Hemphill & Voorhees running from the 9th of the same month. There were at that time pending in the court forty-seven petitions filed under the act in question, each involving a subdivision of land, and each subdivision including a great many different parcels. Two of these causes had been tried and partly determined, after a serious contest over the constitutionality of the act of Congress, and many other questions suggested by the ingenuity of counsel.

Appeals to the court of appeals and to the Supreme Court of the United States had been taken, and a final decision by the last-named court rendered on the 10th day of May, 1897. Between the trial in the court of first instance, which was concluded about the 5th day of February, 1896, and the date of the final adjudication by the Supreme Court, the other forty-five cases had lain dormant, through a general desire to obtain an authoritative decision upon the validity of the act. When this decision was rendered it was so late in the season and so near the time for the adjournment of the courts for the summer recess that the judges declined to try them until the fall term.

The pressure of public opinion for early trials and disposition of the cases was so great that we understood it to be your wish that the cases be pushed to a conclusion as early as possible. On August 6 Mr. Thomas, the attorney for the District, had caused citations to issue in all the cases, fixing September 15 as the return day. With the purpose that there should be thenceforward no delay whatever which might be chargeable to the public authorities, we diligently prepared for trial. On the return day the court set September 22 as the time for hearing the uncompleted case of Dennison and Leighton subdivision, No. 419, and on that day the jury was sworn in the case. On September 29, and after certain preliminaries had in the meantime been completed, the trial was begun, and this continued to and including October 8, when the jury retired.

On October 27 the verdict was filed, several hearings having been had meantime upon vexed questions of law involved in the case. Immediately upon the return of this verdict, to wit, on October 8, the jury (for whose impaneling the necessary steps had been taken during the two weeks prior thereto) was sworn in three cases, consolidated for the purposes of trial, being 429, 436, and 437, involving in all 254 separate and distinct parcels, most of them improved by buildings of more or less value. The trial of these cases continued to and including November 13, when the case was submitted. The verdict was returned November 29 and deposited in the clerk's office for examination by counsel. Careful examination revealed a number of errors, which were afterwards corrected, and the verdict was filed December 20, when motions were at once made on your behalf to set it aside as incomplete and irregular. Meantime, and owing to pressure for the opening of Nineteenth street extended, steps had been taken to obtain the necessary condemnation. Another

suit was entered, thus making forty-eight in all. An order of publication in this case, being No. 506, was passed November 2, and on December 6 the marshal was directed to summon a jury for December 14 to try the two cases, 445 and 506.

The trial of these continued from December 14 until December 23. On January 6 the jury made a preliminary report and asked further instructions, which required the presence of counsel, and on January 11 their verdict was filed. A motion was filed at once to set aside the verdict, as allowing too great compensation to two of the landowners, and, after several arguments, this motion was granted on January 28, and on February 2 the jury were discharged from further consideration of the case. A motion for new trial in the Dennison and Leighton subdivision lay dormant after its first presentation to the court until March 1, when it was again argued, and on March 4 was overruled.

The number of days actually spent in court were but a small part of the time really given to the cases by counsel. In the 6 subdivisions which were thus tried there were 351 separate parcels of land, the value of each of which was to be determined and the benefit it might receive from such improvement assessed. These parcels differed widely in size, value, and in the character of their improvements. To try the cases intelligently required the counsel to personally inspect all the property and be familiar with each parcel. There were also many difficult legal questions presented by the array of counsel representing landowners and for which adequate preparation was made.

The magnitude of the sums involved in the aggregate demanded the greatest care. This will be recognized when we state that in the verdict in the Dennison and Leighton subdivision the jury found the amount of damages to landowners to be \$373,900.29. The verdicts in the consolidated cases Nos. 429, 436, and 437 awarded \$519,752.73, while in the cases Nos. 445 and 506 the verdicts awarded \$48,790 as damages.

It will thus appear that of the forty-eight cases filed six have been tried. In none of these has there been a conclusive verdict. In the first one the jury found damages, but reported themselves unable to find definite benefit to any parcel of which no part was taken by the proceedings above the general benefit to all lands in the District. In the three consolidated cases the jury reported that while distinct benefit in their opinion would accrue to other property than that of which a part was taken, they were unable to ascertain the area or calculate the amount. In the two cases involving the Nineteenth street extension the verdict was complete, but was in our opinion unfair and one-sided.

It will thus be seen that progress was made toward finally securing a verdict in accordance with law.

Since the early part of February we have suspended active operations in the courts, thinking it best to await the action of Congress upon the bill now pending before it, materially altering the existing law. Should Congress not act we shall be ready to proceed at once.

Our labors, therefore, may be considered as having been suspended in the early part of February.

Very respectfully,

A. A. BIRNEY.
JNO. J. HEMPHILL.
WARDER VOORHEES.

The COMMISSIONERS OF THE DISTRICT OF COLUMBIA.

No rights of way have, therefore, been acquired, no streets or avenues have been paved and improved as expected, and in the report referred to it is said that active operations in the courts under the act have been suspended since the early part of last February to await the action of Congress.

The verdicts of the juries in the cases referred to, although they did not become effective, plainly indicated the enormous expenditure that the execution of the act would require.

The area of the subdivisions to which the 6 acres above mentioned related was small and insignificant in comparison with the entire area of section 1, yet the jury found that the value of the land proposed to be condemned and included within the streets and avenues proposed to be opened within these 6 subdivisions amounted to over \$850,000. (p. 5 of Doc. 180.)

When it is remembered that the entire area of the District, outside the city limits and not including parks and reservations, is over 25,000 acres, and that of this more than one-third, or over 8,000 acres, is

included within the boundaries of the streets and avenues which appear on the maps and plans which have been or are being completed under the requirements of the act, the magnitude of the outlay that would be required and the burdens that would be imposed by the enforcement of the law becomes apparent.

It was the intention of Congress, plainly expressed in the fifteenth section of the act, that the entire cost of obtaining the right of way for and opening and improving the highways that were to be established under the act was to be paid, one-half out of the revenues of the District and one-half by the owners of benefited lands. Nothing was to be paid; no contribution was to be made by the United States.

The efforts that have thus far been made to execute the law have made it apparent, and everybody appears now to admit, that the money that would be required to carry out the plans on the great scale and with the completeness laid down on the prepared maps can not be paid by the District and the individual property owners.

Leaving out of consideration the question of the justice or injustice of the total exemption of the United States from any share of the burdens that are imposed by the act, the committee is satisfied that the revenues of the District are wholly inadequate to meet the requirements made by the act, and that an attempt to charge the revenues of the District and the land owners with the assessments which the law contemplated would most seriously affect the credit and prosperity of the municipality.

This the committee understands to be the view held by the Commissioners of the District and of the Board of Trade of the city of Washington, and the committee understands it to be the opinion of the board of trade that unless the provision can be made for the payment by the United States of its proper share or proportion of the cost of the establishment of the intended system of the highways, it is desirable and highly important that the entire act should be repealed.

The committee was therefore brought directly to the consideration, primarily, of the question whether it should bring in a bill reversing the policy and repealing the provisions contained in the fifteenth section of the act of 1873.

The committee, without considering any questions as to the legal or equitable obligations of the United States in the premises, or whether or not at another time or in respect of a different or modified system of street extension the United States should not be made chargeable for benefits which it might receive from proposed improvements, determined that at the present time and with reference to the system of highways which has been adopted under the present law and laid down in the prepared plans they could not recommend that any part of the cost of carrying into effect the system proposed should be imposed upon and paid by the United States.

The committee are unwilling at present to advise the final approval and adoption and to provide for the execution of the system described in the maps which provides for the division of the entire areas outside the cities into small squares or parcels of ground, and which can not be carried into effect within any reasonable time or without costly litigation which must continue for an indefinite period.

The question then arose whether, in view of the decision of the committee that they could not now recommend that one-half or any part of the cost of the proposed system of street extensions should be paid by the United States, the act could be advantageously amended to meet the objections revealed by its attempted execution or whether it should be entirely repealed.

All the amendments and the bills to amend before the committee provided for the permanent retention in the office of the surveyor of the District and the recording in the land records of the District of the maps and plans completed or to be completed in accordance with the requirements of the act.

These recorded maps and plans show that over and upon the areas of the sections to which they respectively relate are streets and avenues established as permanent highways, and that they include within their limits about one-third of the entire section over which they are laid.

The statements made to the committee showed most conclusively, and it was not disputed, that although the legal effect of the filing of these maps was not to divest the owner of the lands within the boundaries of the proposed streets of his title or to disturb his right of possession, yet the actual results and consequences of the filing of the maps have been to impair the value of the lands upon which the lines of proposed streets face, to make the sale thereof, the borrowing of money thereon, and the renewal of mortgages extremely difficult and in many instances impossible. Serious losses and in many instances absolute ruin have been caused thereby to many poor persons and to persons of moderate means.

In all abstracts of title the lines of the proposed streets are mentioned, and it is unquestionably true that the presence of these maps on the land records operate as a menace to and an interference with the right of quiet possession of, and of the free transfer of title to, a very large amount of valuable lands within the limits of the District.

The apprehensions of the owners and of intending purchasers are increased by the fact that under the law the streets as laid down are permanent, established highways, and yet there is no certainty that they will ever be actually opened, paid for, and improved. The committee are convinced that this condition of uncertainty should no longer be permitted to exist.

The inconveniences that have resulted and that may still result from the irregularities and want of conformity to any general plan in the subdivisions heretofore made outside the city limits may be and doubtless are great, but they are not sufficiently serious to justify at present the enormous cost that would result from the taking of lands and the destruction of buildings that would be required in order to make such subdivisions conform in part to the plans of the city. It is admittedly impossible that, even if it were desirable, existing outside subdivisions can be made to conform with accuracy or even approximate accuracy to the old plan of the city.

The committee have therefore concluded that the wisest course that can be adopted at present, and one that will at the present time best subserve the interests of the municipality and the landowners and of the United States, is to repeal the act of March 2, 1893, to annul all the proceedings thereunder, to allow the subdivisions heretofore made to remain for the present as they now are, and in respect of all unsubdivided lands outside the city limits and outside the limits of existing subdivisions to prohibit the making and recording of any new subdivisions or the laying out or improving of any new streets, unless they shall be in conformity with the plan of the city.

In this way any increase of the evils caused by new and irregular subdivisions of unsubdivided and agricultural lands will be effectually prevented, and time and opportunity will be afforded to determine what it is necessary and possible to do in respect of the application of the plan of the city to existing subdivisions.

ISABELLA CROSS.

MAY 9, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MIERS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 8180.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8180) granting a pension to Isabella Cross, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension Isabella Cross, of Clinton, Iowa, at the rate of \$12 per month, as an army nurse.

January 31, 1893, she filed a claim for pension under the act of August 5, 1892, but the same was rejected March 12, 1894, on the ground that there is no record of the claimant's service in the War Department or in the office of the Second Auditor of the Treasury, and she is unable to furnish competent evidence to show that she served as a hospital nurse for the period of six months, which is required to entitle to pension under act of August 5, 1892.

This action appears to be proper, because the records and the evidence furnished did not clearly show that she rendered six months' service as a nurse. They do show that she served about three months in the fall of 1862, and that she served in the neighborhood of three months again in the summer and fall of 1864. The exact date of commencement and termination of service not shown in either case. She received no pay whatever for her services.

The records of the War Department show that Lewis D. Harlow, surgeon United States Volunteers, in charge of officers' general hospital, Lookout Mountain, Tennessee, under date of September 22, 1864, requested a pass for twenty days for Mrs. Isabella Cross, then on duty at that hospital, to enable her to proceed to Chicago, Ill., and return, to superintend the collection and shipping of some sanitary stores. Date of attachment to or discharge from hospital not shown. This record shows that Mrs. Cross was regularly on duty at that hospital and was recognized by the officer in charge. It is alleged by Mrs. Cross and her daughter that she did at different times receive passes for such purposes.

Lewis D. Harlow, M. D., the surgeon above named, testifies that Mrs. Cross was at the officers' hospital under his charge about three weeks in September, 1864, and at hospital No. 3, under Dr. Jackson's charge, for several weeks more or less during the months of July and August, 1864, making her service at that time less than three months; but he states further that he is unable to say whether her entire service in the different hospitals covered a period of six months or not.

C. N. Ellenwood, M. D., of San Francisco, Cal., states that as far as he remembers Mrs. Cross went to the field with the Seventy-fourth Illinois Volunteers, but how appointed he does not know. She was in service at Louisville, and later, he believes, in the hospital for officers under Dr. Harlow at Lookout Mountain. He has no record of dates of her service, and only a recollection of her being there, and an old friend of hers, a worthy woman, whose statements can be relied on.

Reuben W. Fleming, of San Jose, Ill., in an affidavit filed with this committee, states that he found Mrs. Cross in the hospital at Louisville, Ky., in October, 1862, in company with a Mrs. Polkey, of Chicago, where they stated they were employed as nurses under Dr. Ellenwood, both of whom he was acquainted with before the war. He also testifies to having seen her in hospital on Lookout Mountain in 1864.

Claimant had two sons in the service, both of whom are dead, as states her daughter. She is now over 80 years of age, and without property or income and dependent on a married daughter for support.

This claimant is within the spirit and intent of the law and is entitled to recognition.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

After the word "roll," in line 4, insert the words "subject to the provisions and limitations of the pension laws."

In line 5, after the word "Volunteers," insert, "and pay her a pension."

Strike out all after the word "month," in line 6.

STATE OF ILLINOIS, *County of Mason, ss:*

In the matter of Isabella Cross, application for pension as nurse.

On this day, 24th of February, A. D. 1896, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Reuben W. Fleming, aged 59 years, a resident of San Jose, in the county of Mason and State of Illinois, whose post-office address is San Jose, Mason County, Ill., known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

I, Reuben W. Fleming, do solemnly swear that while a corporal of Company B, Twenty-fifth Illinois Volunteer Infantry, during the war of the rebellion, in the month of October, 1862, while on the march after General Bragg's forces, we were under the command of General Buell. We arrived at Louisville, Ky., and went in camp on the bank of the river. On returning to my company from some duty I was informed by my comrades that a woman had called at my company and inquired for me and requested them to tell me on my return to come over to a large tent in sight of company's camp. I went over and found the said Isabella Cross with a Mrs. Polkey, of Chicago, both of whom I was intimately acquainted with before I entered the Army at Chicago. They told me they were under the charge of Surgeon Charles Ellenwood, of the Seventy-fourth Regiment Illinois Volunteer Infantry, as hospital nurses. I remained a short time with them. Returning to my command, found them under marching orders, packing up camp equipage, etc. Started on the campaign which culminated in the battle of Perryville, Ky.

In the year of 1864, September 6, I was discharged at Springfield, Ill., when I started for Chattanooga, Tenn., as a clerk in the Quartermaster's Department. I

was assigned to duty on Lookout Mountain as a tinner, doing tin and sheet-iron work on the new hospital building then building under the supervision of a Mr. Leeds, architect. Was among the inmates of the convalescent hospital on the mountain and heard them often speak of Mrs. Isabella Cross as a nurse; also heard Dr. Harlow, officer in charge of the officers' hospital, speak of her in regard to her kindness as nurse. I make this affidavit from memory without any dictation, written or verbal, written by myself at home, and I further declare that I have no interest in said case and am not concerned in its prosecution.

REUBEN W. FLEMING.

STATE OF ILLINOIS, *County of Mason*, ss:

Sworn to and subscribed before me this day by the above-named affiant; and I hereby certify that I read said affidavit to said affiant, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a creditable person.

[SEAL.]

S. C. LINBARGER,
Notary Public.



JOHN F. GATES.

MAY 9, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BOTKIN, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 6944.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6944) granting a pension to John F. Gates, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension at \$12 per month John F. Gates, of Ovid, Erie County, Pa., who served as a substitute from April 3 to June 28, 1865 (eighty-seven days), and was honorably discharged.

There is no record or other evidence of disability or treatment in service.

January 30, 1891, he filed a claim under the act of June 27, 1890, and it was rejected September 1, 1893, on the ground that he was not in the United States military service ninety days.

November 9, 1896, he filed a claim under the general law, based on sunstroke at the grand review in Washington, D. C., in June, 1865, and results of same.

This claim was rejected August 21, 1897, on the ground of no disability therefrom shown since date of filing claim.

Claimant alleged that he was overcome by heat at the grand review in this city in June, 1865, causing impaired vision and disease of heart and nervous system. He also alleged that he received an injury to shoulder about 1869, followed by rheumatism, and disease of heart first became observable about 1881 or 1883.

At an examination at Corry, Pa., August 12, 1891, he was rated four-eighths for disease of heart and two-eighths for injury to shoulder.

At an examination by the board at Erie, Pa., June 2, 1897, he was not rated for any disability and the board said: "We do not find the applicant unfit for manual labor."

February 11, 1898, there was filed in the Pension Office the testimony of Edward F. Gifford, M. D., and L. D. Rockwell, M. D., tending to show existence of disease of heart and a weak, nervous, emaciated condition, with some affection of eyes.

This testimony was referred to the medical referee for consideration, and he replied as follows:

The testimony filed does not show any evidence of effects of sunstroke. Disease of heart is shown by testimony to be the result of rheumatism complained of by soldier.

The testimony furnished was not then considered sufficient to warrant another medical examination.

Claimant is barred from receiving a pension under the act of June 27, 1890, by lack of sufficient service, and so of course it was useless to order another examination to determine whether he had a pensionable degree of disability under that act, and since he has no disability which is shown to be due to service, the action of the Pension Office was proper.

Had claimant served ninety days he would undoubtedly be entitled to some pension under act of June 27, 1890.

He appears to be 50 years of age and is in the Soldiers' Home at Erie, Pa. He is very poor and now unable to do any work. He has a wife, a worthy woman, from whom he is separated while cared for at the Soldiers' Home. The wife is doing her best to earn her own support by working out.

This committee is opposed to granting pensions to soldiers who are cared for in the Soldiers' Homes of the country where they have no family. But when a soldier has a family from whom he is separated in order to be cared for at a Soldiers' Home and is entitled to a pension, your committee is ready to grant it in order that the soldier may live with his wife. In this case your committee is assured that if the pension is granted it will enable the soldier and his wife to live together in reasonable comfort.

Under the circumstances of this case, the mere fact that the soldier only served eighty-seven days instead of ninety, should not deprive him of the consideration he is otherwise entitled to.

The bill is therefore reported back with the recommendation that it pass, when amended as follows:

In line 7, after the word "volunteers," strike out the word "at" and insert in lieu thereof the words "and pay him a pension at the rate of."

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, February 16, 1898.

SIR: Referring to your letter of yesterday, received to-day, in which you request to be furnished with the military record of John F. Gates, late a member of Company G, One hundred and second Pennsylvania Volunteers, I have the honor to inform you that it appears from the records that John F. Gates was enrolled April 3, 1865, as a private (substitute), Company G, One hundred and second Pennsylvania Infantry Volunteers, to serve one year, and that he was mustered out with the company June 28, 1865.

Very respectfully,

F. C. AINSWORTH,
Colonel U. S. Army, Chief, Record and Pension Office.

Hon. J. C. STURTEVANT,
House of Representatives.

ERIE, PA., February 23, 1898.

DEAR SIR: I have been personally acquainted with claimant, John F. Gates, Company G, One hundred and second Pennsylvania Infantry, for the past fifteen years. I know him to be a man of good habits and character. I believe he has been unable to perform manual labor during the past eight or nine years. He has no property and no one to depend on to help him, so he has been obliged to go to the Soldiers' and Sailors' Home, at Erie.

I think him to be worthy of a pension under the act of June 27, 1890, but by reason of being two days short of service—ninety days—he has been rejected.

I earnestly recommend him to your favorable consideration, and that you will assist him to obtain his just rights under the law.

Respectfully,

Sworn and subscribed before me February 23, 1898.

[SEAL.]

Hon. J. C. STURTEVANT.

T. E. BABCOCK.

E. KHASON,
Prothonotary.

ERIE, PA., *February 21, 1898.*

DEAR SIR: I have been personally acquainted with claimant, John F. Gates, Company G, One hundred and second Pennsylvania Infantry, for the past five years. I know him to be a man of good habits and character. I believe he has been unable to perform manual labor during the entire period of my acquaintance with him—over five years—and by reason of not being able to perform manual labor, and being dependent on same for support, he was obliged to go to Soldiers and Sailors' Home at Erie, Pa. He is truly worthy of a pension under the act of June 27, 1890, but by reason of being two days short of the required time of service (ninety days) he has been rejected. I earnestly recommend him to your favorable consideration, and that you will assist him to obtain his just rights under the law.

C. B. SMITH,
Commissioner of Erie County.

Hon. J. C. STURTEVANT, M. C.

SOLDIERS' HOME, *February 24, 1898.*

DEAR SIR: Ever since I had a sunstroke I have not seen a well day. My hair and beard are about as white as they can be. I have not been able to do much of any work for the last dozen years. I suffer much with my head. People think me to be 65. For the past three years I have ate no supper, for my heart bothers me so I couldn't sleep if I did. Sometimes it turns so dark before me that I don't know where I am. Once I fell on the back of my head—two years ago—on an old wagon tire and was unconscious for three hours. The doctor came and said if it had struck me half an inch lower it would have killed me. It bothers me yet. I have the piles and rheumatism. My throat is swelled and chokes me; doctor calls it goiter. I once fell and hurt my left shoulder; it ain't like the other now, and often pains me. More than a dozen years ago I would give out in the field when at work, because it was so hot, and I would feel just as I did when I was sunstruck, and have to be carried home on a wagon. I get awful nervous sometimes and feel like quitting. But I have tried to be a Christian for thirty-five years and will try to stick. My only son is of age and married, and he promised to take care of my wife and I and have my little home. He got me to sign tight notes with him, and said he would see me through; he bought horses and things he didn't need; he was too lazy and loved fun; he got me swamped and my home was sold, and my poor dear wife is working out; that's the way he seen me through, and I have not got a cent to help myself with. I can't get a pension, because I served only eighty-eight days.

JOHN F. GATES,
Company G, One hundred and second Pennsylvania Infantry.

Hon. J. C. STURTEVANT.

Sworn to before me this 24th day of February, 1898.

[SEAL.]

NOAH W. LOWELL,
Notary Public.

WILLIAM T. STERLING AND OTHERS.

MAY 9, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BROWNLOW, from the Committee on Military Affairs, submitted the following

R E P O R T.

[To accompany H. R. 7618.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 7618) for the relief of William T. Sterling and fifty-seven others, etc., submit the following report:

This bill is for the relief of William T. Sterling and fifty-seven other enlisted men of Company K, First Regiment Eastern Shore Volunteers, who were dishonorably discharged from the service July 2, 1863, because of their refusal to serve at points other than on the Eastern Shore of the Chesapeake Bay. The members of this company, with others, were recruited under authority of the Secretary of War and assurances of the recruiting officers that they were to serve only on the Eastern Shore of the Chesapeake Bay as a home guard.

In view of the fact that it is conceded by the Department that these special conditions of enlistment were authorized by the Secretary of War, and as the members fulfilled the terms and conditions of their enlistment, this committee recommend that the bill do pass with the following proviso added:

That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

AUTHORIZING CITIES AND TOWNS IN THE INDIAN TERRITORY TO SECURE LANDS, ETC.

MAY 9, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CURTIS, of Kansas, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 3720.]

The Committee on Indian Affairs, to whom was referred the bill (S. 3720) entitled "A bill authorizing cities and towns in the Indian Territory to secure, by condemnation or otherwise, lands necessary for public improvements," beg leave to submit the following report, and recommend that said bill do pass without amendment:

The reasons for the passage of this bill are fully set out in the Senate Report No. 696, which is hereto attached and made a part of this report.

The Committee on Indian Affairs, to whom was referred the bill (S. 3720) authorizing cities and towns in the Indian Territory to secure, by condemnation or otherwise, lands necessary for public improvements, having had the same under consideration, report it back with a recommendation that it pass.

The legislation sought will enable the people of cities and towns in the Indian Territory to construct systems of waterworks for their respective communities. It provides that sufficient land may be condemned for the occupancy of water mains, pumping stations, sewers, etc., in all an inconsiderable quantity.

Within the region affected by this measure lack of wholesome water is a serious obstacle to material progress. Wells are impracticable because of the great depth of the underlying water stratum and the deleterious quality of the water when obtained. Under existing conditions the inhabitants depend largely upon stored supplies of rain water, accumulated in cisterns and tanks.

They ask, under the provisions of the bill reported by your committee, authority to connect their communities with adjacent streams, from which they will be enabled to draw abundant supplies of pure water and construct sewers through which they may rid themselves of unsanitary accumulations.

The measure is proposed in the interest of the health and comfort of the people of the Indian Territory towns and cities, and it is the opinion of your committee that it should become a law.

KASKASKIA, PEORIA, PIANKESHAW, AND WEA INDIANS.

MAY 9, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CURTIS, of Kansas, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany S. 246.]

The Committee on Indian Affairs, to whom was referred the bill (S. 246) entitled "A bill to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians," beg leave to submit the following report, and recommend that said bill do pass with the following amendment:

On page 2, in line 3, after the word "Indians," add the following:

Provided further, That before any payment, if any, shall be made to said Indians under this act the sum of \$1,181.60 shall be deducted and paid to T. F. Richardville, or his legal representatives, on account of money loaned to said Indians.

The facts in this case are fully set out in the report of the Senate, which is hereto attached and made a part of the report of your committee.

The Committee on Indian Affairs, to whom was referred the bill (S. 246) to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians, report the same with amendment and recommend the passage of the bill.

Under the provisions of the treaty of 1854, some 200,000 acres of land in Kansas belonging to the Kaskaskia, Peoria, Piankeshaw, and Wea Indians was ceded to the United States, in trust, to be sold and the proceeds invested for their benefit. By the terms of this treaty the lands were to be sold in the same manner in which public lands of the United States were sold, through the regularly established land offices, the Indians to have the entire proceeds after deducting the expense incident to the sale. Instead, however, of the lands being sold in the manner prescribed by the treaty, a special agent was appointed to conduct the sale, and who sold the whole of the trust lands, except 1,070 acres, between June 24 and July 13, 1857.

The Indians claim that between the time of appraisal and the time of sale the lands had appreciated in value at least \$1 per acre, but instead of being offered at public sale to the highest bidder, as required by the treaty, thereby giving them the benefit of competition, squatters were permitted to purchase the lands in large tracts at the appraised value, to the great detriment and loss of the Indians, the

sale being rushed through and 200,000 acres of very valuable land disposed of in nineteen days.

The losses thus sustained by the Indians were, however, relinquished by them by the terms of the twenty-fifth article of the treaty of 1867 with them. They claim that through their ignorance they were overreached in negotiating the treaty of 1867, and that the relinquishment of their rights under the treaty of 1857 was unjust and unfair, and that in a spirit of good faith and fair dealing they are entitled to a readjustment of the entire transaction, to the end that justice may be done them.

By article 24 of the treaty of 1867 with these Indians it was provided that "an examination shall be made of the books of the Indian Office and an account current prepared stating the condition of their funds, and the representations of the Indians for overcharges for sale of their lands in 1857 and 1858 shall be examined, and if any amount is found due, such balance, together with the interest on their invested funds, shall be paid to them upon the 1st day of July, 1867." * * * (15 Stat. L., p. 519.)

Although this account current was to be rendered, and the amount found due was to be paid to the Indians on the 1st day of July, 1867, the account was not rendered until December 23, 1874. (See House Ex. Doc. No. 101, Forty-third Congress, second session.)

Nothing further was done toward a settlement with the Indians, as required by the treaty of 1867, until January 17, 1877, at which time the Senate Committee on Indian Affairs made a thorough and exhaustive report upon the matter, and wherein the sum of \$25,504.96 was found to be due these people. (Senate Report No. 582, Forty-fourth Congress, second session.) It is now nearly thirty years since, under the treaty of 1867, the amount due these Indians should have been paid to them, and more than twenty years since the date of the report of the Senate committee. The Indians have been kept out of the use of this money for nearly a third of a century. These people are very poor. Of all the vast domain once owned by them, and the proceeds thereof, this pittance is all that remains, and the Government ought not in good faith to longer withhold from them what is legally and justly due them.

The relief sought by the proposed legislation meets with the approval of the Secretary of the Interior and Commissioner of Indian Affairs. The Commissioner suggests certain amendments which your committee have adopted, and the bill is favorably reported with recommendation that it pass.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, June 2, 1896.

SIR: I have the honor to be in receipt, by your reference of the 27th ultimo, of a communication, dated the 26th ultimo, from the House Committee on Indian Affairs, inclosing H. R. 9145, entitled "A bill to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians."

The bill enacts—

"That the Secretary of the Interior be, and he is hereby, authorized and required to reopen and restate the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians, under the treaties of eighteen hundred and fifty-four and eighteen hundred and sixty-seven, and that in such restatement of said account be restored to their credit such sums or portions of their trust funds as he may find to have been improperly or unjustly taken therefrom or diverted to purposes other than for their use and benefit; and to enable the Secretary of the Interior to indemnify the funds of said Indians for any diminution which they have sustained thereby, the sum of — thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated."

In response I have the honor to report that legislation similar to the foregoing was heretofore sought to be enacted and was at the time favorably reported upon by this office. I would respectfully recommend, however, that the bill be amended in the following particular: That in lieu of a specific sum being named it be amended so as to appropriate a "sufficient sum" to cover the findings, if any, of the Secretary of the Interior. And further, I would recommend that the following proviso be inserted: "Provided, That before any payment, if any shall be made to said Indians under this act, the sum of \$1,181.60 shall be deducted and paid to T. F. Richardville, or his legal representatives, on account of money loaned to said Indians."

I will add that there are letters on file in this office showing Mr. Richardville's claim to be a just and valid one.

The bill referred to is herewith respectfully returned, with the recommendation for favorable action by the Department.

Very respectfully,

D. M. BROWNING,
Commissioner.

The SECRETARY OF THE INTERIOR.

WASHINGTON, D. C., *June 4, 1896.*

SIR: I have the honor to acknowledge the receipt of your letter of 29th ultimo, inclosing for report H. R. 9145, "A bill to authorize and empower the Secretary of the Interior to adjust and settle the accounts of the Kaskaskia, Peoria, Piankeshaw, and Wea Indians."

In response thereto I transmit herewith copy of communication of 2d instant from the Commissioner of Indian Affairs, to whom the matter was referred, and copy of Executive document containing recommendation therein referred to.

The Commissioner recommends certain amendments to the bill.

Very respectfully,

WM. H. SIMS, *Acting Secretary.*

CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.



ST. LOUIS, OKLAHOMA AND SOUTHERN RAILWAY
COMPANY.

MAY 9, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CURTIS, of Kansas, from the Committee on Indian Affairs, submitted the following

REPORT.

[To accompany H. R. 7209.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 7209) to amend an act granting to the St. Louis, Oklahoma and Southern Railway Company a right of way through the Indian Territory and Oklahoma Territory, and for other purposes, beg leave to submit the following report, and recommend that said bill do pass, with amendments.

By the provisions of this bill the original act is amended so as to give the company until March 28, 1900, to complete the survey of the entire line of said road, the filing of maps with the Secretary, and the construction of the first 50 miles. It also authorizes the construction of a branch line.

Your committee is satisfied that the company is acting in good faith. It has made the preliminary survey of the line from Claremore to Red River, a distance of 200 miles. The maps and profiles are about ready to file with the Secretary of the Interior. The company has paid out about \$9,000 in making surveys and preparing maps and profiles.

Your committee recommend the passage of the bill with the following amendments:

In lines 13 and 14, page 1, strike out the words "three years from the dates specified in said act" and insert in lieu thereof the words "one year from March twenty-eighth, eighteen hundred and ninety-nine."

Strike out section 2 and insert the following:

SEC. 2. That said company be, and is hereby, authorized to construct and operate its branch line from any point between Sasakwa and Tishomingo, instead of Okmulgee and Sasakwa, as provided by the act granting the charter to said company.

THE COMMISSIONER OF THE GENERAL LAND OFFICE
LONDON

IN ANSWER TO A RESOLUTION OF THE HOUSE OF COMMONS
PASSED ON THE 11TH MARCH 1871

BY THE COMMISSIONER OF THE GENERAL LAND OFFICE
IN ANSWER TO A RESOLUTION OF THE HOUSE OF COMMONS

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PASSED ON THE 11TH MARCH 1871

AGREEMENT WITH COMANCHE, KIOWA, AND APACHE INDIANS IN OKLAHOMA.

MAY 9, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. CURTIS, of Kansas, from the Committee on Indian Affairs,
submitted the following

REPORT.

[To accompany H. R. 10049.]

The Committee on Indian Affairs, to whom was referred the bill (H. R. 10049) entitled "A bill to ratify and confirm an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma Territory, and to open their reservation for settlement," beg leave to submit the following report and recommend that said bill do pass without amendment.

Knowing the importance of this measure, your committee have given the same careful examination. Delegations from Oklahoma and Texas, who are anxious to have the country opened, and also a delegation from the Indian tribes, who are opposed to the ratification of the agreement in its present form, were given plenty of time to present their respective sides to a former Congress, and there has been two hearings at this session.

The bill was referred to the honorable Secretary of the Interior, and his recommendations have been carefully considered.

Your committee find that the land described in the agreement is located in what is known as the "leased district," and that the Choctaw and Chickasaw nations of Indians claim an interest in so much of it as the Comanche, Kiowa, and Apache tribes of Indians do not take by allotment, on the ground that by the treaty of 1866 they only ceded the land in trust, while it is claimed by the United States that by said treaty the said Choctaw and Chickasaw nations, for a valuable consideration, ceded all their rights, title, and interest in and to said lands to the United States.

Your committee believe that certain changes should be made in the agreement, so as to extend the time of the opening, change the date and manner of payments, extend the mining laws of the United States over the reservation, and provide for the settlement in court of the claim of the Choctaw and Chickasaw nations.

The following changes are made in the agreement:

Article 4 is amended so as to give twelve months for the selection of allotments, in lieu of requiring them to be made in ninety days. The manner of paying for the land is changed so that as fast as the lands are sold, the money received from such sales is to be covered into the Treasury and placed to the credit of said Indians, but no part of it is to be paid out until the question of title is fully settled.

The bill makes the following provisions for the settlement of the claim of the Choctaw and Chickasaw nations:

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty, as soon as the same are abandoned by said Comanche, Kiowa, and Apache tribes of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and determine the said claim of the Chickasaws and the Choctaws and to render judgment thereon, it being the intention of this act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw nations, and the Comanche, Kiowa, and Apache tribes of Indians in the premises shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States, and either of the parties to said action shall have the right of appeal to the Supreme Court of the United States: *Provided*, That such appeal shall be taken within sixty days after the rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

That said action shall be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agents, or attorneys of said Indians upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this act, or, should they dismiss said suit, the same shall be reinstated, and their claim shall be forever barred.

These two sections are necessary, in the judgment of your committee, for the reason that the land is located in what is termed the "leased district," and the Choctaw and the Chickasaw nations claim that by the treaty of 1866 they only ceded the land in trust, and that as soon as the Comanche, Kiowa, and Apache tribes of Indians abandon the land, so much of it as they do not take by allotment reverts to said Choctaw and Chickasaw nations; while it is claimed on the part of the United States that by said treaty of 1866 the Choctaws and Chickasaws, for a valuable consideration, ceded all their rights, title, and interest in and to said lands to the United States.

This agreement was made or entered into on the 6th day of October, 1892, and was favorably reported in the Fifty-fourth Congress. It embraces 2,968,893 acres of land; and after allotting or giving to each Indian 160 acres, it cedes to the United States 2,517,853 acres, which will be opened for settlement.

There are only 2,819 of these Indians. They occupy 477 dwelling houses, which may be retained by them when they take their allotments. It is claimed that within one year each head of a family on the reservation will be occupying his own dwelling.

This reservation contains very valuable farm and grazing lands. For years the most of it has been used by cattlemen for the grazing of large herds of cattle.

Your committee are advised that these Indians have made great advancement during the last few years under the management of acting agent Captain Baldwin. Many of them are now occupying their own houses, and are fast becoming self-supporting.

The governor of Oklahoma Territory says:

I can not refrain from urging, as I have heretofore, that these reservations be at once opened to settlement. They embrace some of the finest lands in Oklahoma Territory and would be capable of supporting a large population.

R. E. VAUGHAN.

MAY 9, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. ROBB, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 2890.]

The Committee on Claims, having had under consideration the bill (H. R. 2890) for the relief of R. E. Vaughan, recommend that the same do pass.

The facts relating to the claim fully appear in the accompanying letters from the district attorney and clerk of the United States district court for the western district of Missouri.

OFFICE UNITED STATES ATTORNEY WESTERN DISTRICT OF MISSOURI,
Kansas City, Mo., February 24, 1897.

DEAR SIR: I write you at the request of Mr. R. E. Vaughn, a former constable of Malta Bend Township, about some costs due him from the United States. Under the laws of the United States justices of the peace have the same jurisdiction as United States commissioners, and their fees incurred in the preliminary examination of cases are allowed and paid as fees to commissioners, but there is no warrant of law for any writ to be served by a State officer. Vaughn, however, did make an arrest in the case, and has attempted to have his fees earned therein allowed and paid him, but there being no warrant of law for it, it will require an act of Congress. The facts in the case are these:

One Peter S. Morrison, on the 5th day of February, 1894, at Malta Bend, unlawfully impersonated a post-office inspector contrary to act of Congress of April 18, 1884. At that time there was no United States marshal in this district. The term of Mr. John P. Tracy, as marshal, had expired and General Shelby was not nominated by the President until the 20th of February, 1894, and was not commissioned until some two weeks thereafter. On the 7th day of February, 1894, Mr. Joseph P. Johnston, post-office inspector in charge at St. Louis, Mo., went to Malta Bend and made an affidavit before one William Q. Purcell, a justice of the peace, charging Morrison with a violation of the act of April 18, 1884. The justice issued his warrant, there being no United States marshal in the district, and Inspector Johnston fearing that Morrison would leave, the warrant was delivered to R. E. Vaughn, a constable, and he executed it. He will furnish you with a list of the fees earned by him, and which he is trying to recover from the Government.

At the April term, 1894, Morrison was indicted by the United States grand jury at this place, and upon being arraigned entered his plea of guilty, and the court assessed a fine against him of \$25, which he paid. He also paid all the costs in the case, amounting to \$41.76. These costs included the fees charged by Vaughn as

constable. While there is no law authorizing the payment of these fees to Vaughn, as he had no authority to act, yet, as he did act in good faith at the instance and request of the post-office inspector in charge, and it resulted in the apprehension and conviction of Morrison, and especially since Morrison has paid to the Government the costs, it does seem to me that in equity and good conscience Vaughn ought to be paid the amount. I trust, therefore, that you will aid him all you can in having the amount of his fees inserted in the next appropriation bill and have them paid to him. Vaughn will give you an itemized statement of his fees.

Very respectfully,

JOHN R. WALKER,
United States Attorney.

Hon. JAMES COONEY,
Marshall, Mo.

OFFICE UNITED STATES ATTORNEY,
WESTERN DISTRICT OF MISSOURI,
Kansas City, Mo., May 5, 1897.

DEAR SIR: I see that you have introduced a bill to pay Mr. R. E. Vaughn, formerly constable in Saline County, the fees due him in the case of the United States against P. S. Morrison. The facts in the case were as follows:

P. S. Morrison, in March, 1894, was at Maltabend, in Saline County, and, in violation of the act of April 18, 1884, was impersonating a United States officer, claiming to be a post-office inspector. The Hon. Joseph P. Johnston, post-office inspector in charge of this district, upon receiving notice of Morrison's conduct, went to Saline County, made an affidavit before a justice of the peace, and had warrant issued for his arrest. At this time there was no United States marshal in the western district. Colonel Tracy's term had expired, and General Shelby had not yet qualified. Inspector Johnston gave the warrant to Vaughn and asked him to serve same, which he did. Morrison was afterwards indicted, convicted, and paid all the costs assessed in the case, including the fees of Vaughn.

I have written several letters in reference to this matter to the Attorney-General, but there seems to be no authority lodged anywhere except in Congress to pay the same. The services rendered by Mr. Vaughn resulted in the arrest and conviction of Morrison, and in justice he should be paid, especially so as Morrison has paid the amount to the Government by way of costs.

Trusting that you may have the bill passed and secure for Mr. Vaughn his money, I remain, very respectfully,

JOHN R. WALKER,
United States Attorney.

Hon. JAMES COONEY,
House of Representatives, Washington, D. C.

I, John M. Nuckols, clerk of the United States district court for the western division of the western district of Missouri, do hereby certify that in the case of the United States against P. S. Morrison, charged with impersonating a Government officer, the said P. S. Morrison paid all costs assessed in the case, amounting to \$41.76.

And I do further certify that the warrant of arrest in said case was issued by one W. O. Purcell, justice of the peace for Saline County, Mo., and directed to the constable of Grand Pass Township, in said county and State, and that on the 7th day of February, 1894, said warrant was returned executed by R. E. Vaughn, constable of Grand Pass Township, by C. B. Rusi, deputy, all of which will appear from the papers filed in said cause.

Given under my hand and seal of said court at Kansas City, Mo., this 5th day of May, 1897.

[SEAL.]

JNO. M. NUCKOLS, *Clerk.*

JOSHUA BISHOP.

MAY 9, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. RIXEY, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 1508.]

The Committee on Claims, to whom was referred the bill (S. 1508) for the relief of Joshua Bishop, having had the same under consideration, make the following report:

The committee recommend the passage of the bill for the reasons stated in the letters of the Secretaries of the Navy, as follows:

NAVY DEPARTMENT,
Washington, March 10, 1896.

SIR: Referring to the bill (S. 2338) for the relief of Joshua Bishop, and to the committee's communication of the 3d instant, requesting to be advised as to the views of the Department in regard thereto, I have the honor to state that, inasmuch as the bill in question simply confers jurisdiction upon the Court of Claims to try and determine the claim of Commander Bishop against the United States for pay alleged to be due and unpaid to him as lieutenant-commander from February 9, 1868, to February 28, 1871, the Department sees no objection to the favorable consideration of the bill by the committee.

Very respectfully,

H. A. HERBERT,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

NAVY DEPARTMENT,
Washington, April 3, 1897.

SIR: Referring to the bill (S. 1508) for the relief of Joshua Bishop, and for the committee's request of the 31st ultimo to be advised as to the views of the Department in regard thereto, I have the honor to state that, inasmuch as the bill in question simply confers upon the Court of Claims jurisdiction to try and determine the claim of Commander Bishop against the United States for pay alleged to be due and unpaid to him, the Department sees no objection to the favorable consideration of the said bill by the committee.

Very respectfully,

JOHN D. LONG,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
United States Senate.



FIRST NATIONAL BANK OF NEWTON, MASS.

MAY 9, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GRAFF, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 325.]

The Committee on Claims, to whom was referred the bill (H. R. 325) for the relief of the First National Bank of Newton, Mass., having considered the same, respectfully report the bill back to the House with the recommendation that it do pass as amended.

Your committee, after careful consideration, have concluded to reduce the sum allowed to \$24,231.15, and therefore recommend that the bill be amended by striking out all in section 1, line 4, after the word "pay," and insert in lieu thereof the following:

in lieu of interest on the judgment rendered in favor of the First National Bank of Newton, Massachusetts, against the United States for the sum of three hundred and seventy-one thousand and twenty-five dollars, the sum of twenty-four thousand two hundred and thirty one dollars and fifteen cents.

In section 2, lines 1 and 2, strike out the words "thirty-six thousand seven hundred and forty-six dollars and fifteen cents," and insert in lieu thereof the following: "twenty-four thousand two hundred and thirty-one dollars and fifteen cents."

Your committee respectfully submit the following report of this committee in the Fifty fourth Congress on the bill therein pending, identical with the present bill:

[House Report No. 287, Fifty-fourth Congress, first session.]

The Committee on Claims, to whom was referred the bill (H. R. 80) for the relief of the First National Bank of Newton, Mass., have considered the same and respectfully report the bill back to the House with the recommendation that it do pass.

The history of this claim and the equities on which it rests are sufficiently set out in the report of the Committee on Claims of the Fifty-second Congress, which your committee adopts, and which reads as follows:

In the year 1867 the cashier of the subtreasury at Boston, Julius F. Hartwell, and a Boston broker by the name of Carter took upward of a million of dollars of the Government's funds from the Treasury and invested the whole amount in stock. Values declined and they were unable to sell. In the month of February Hartwell informed Carter that on the last day of that month an inspector from Washington would examine the condition of the subtreasury and their crime be discovered unless they could devise some method to cover it up. They then conspired to get from banks

and other parties the required amount, to be held until the inspector made the count and then be returned to the owners.

In pursuance of this arrangement Carter approached J. T. Dyer, who was the cashier of the Newton bank. He promised Dyer that Hartwell should receipt for the money in his official character; that they only needed it until the count was finished; that it should be speedily returned, etc. Finally Dyer yielded and turned over to Carter assets of the bank amounting to \$371,025. The stock of the bank was only \$150,000.

The funds consisted of currency, such as greenbacks, national-bank bills, postal currency, gold, silver, etc., of revenue stamps, checks on other banks, and of \$25,000 (face value) of United States coupon bonds, and \$20,000 (face value) of compound-interest-bearing notes.

The money and bonds were carried to the subtreasury on the evening of the 28th day of February, in a valise, and in packages clearly marked "The First National Bank of Newton," and placed on the floor of the vault. The count was to take place the next day. That night, and before the Newton bank funds were in any way mixed with the Government funds, Hartwell broke down and confessed his crime to his superior officers. He stated that he had given the subtreasury receipt to Dyer; that the funds had not been mixed with the money belonging to the Treasury, and asked that they be restored to the bank. Dyer also went to the subtreasury the next morning, and, presenting the receipt, demanded the money and bonds. The officials refused to return the property of the bank. It has never been returned.

After great delay, occasioned by attempts of the banks to secure restitution from the Treasury Department, suit was brought in the Court of Claims. On the 24th day of January, 1881, judgment was rendered against the United States for the principal, the court being prohibited by law from adding interest. The Attorney-General appealed the case to the Supreme Court. On the 25th day of October, 1881, the appeal was dismissed on his own motion, and the judgment below became final.

When the judgment became final there were not sufficient funds in the Treasury available for that purpose with which to pay it. On the 29th day of October, 1881, the bank was paid \$260,000, leaving a balance of \$111,025 to be provided by appropriation by Congress. The appropriation was finally made and this balance paid on the 30th day of August, 1882.

The bank was a comparatively small institution, and the stock was all divided into small holdings and owned by people in very moderate circumstances. The largest owner at the time the bank was crushed out by the crime of Hartwell, Carter, and Dyer was a savings bank which owned \$10,000 of the stock. All the other stockholders owned smaller amounts, and several of them were financially ruined by the assessments made necessary in winding up the affairs of the institution.

It will be observed that the judgment was for exactly the amount taken from the bank and retained in the Treasury of the United States. No interest was allowed in making up the judgment, and no interest was paid on the judgment from the time it was rendered until the time when it was paid. It will also be observed that as part of the bank's property, which thus came into the possession and keeping of the United States, there were \$25,000 (face value) of United States coupon bonds and \$20,000 (face value) of compound-interest-bearing notes.

The bill as introduced proposed to pay $4\frac{1}{2}$ per cent interest on the whole amount found by the court to have been placed in the subtreasury, from the date when the Government took possession of it up to the date when the judgment was paid. This interest would aggregate \$249,039.95, and the bill makes an appropriation to that amount.

A similar bill was favorably reported from the Committee on Claims in the first session of the Forty-ninth Congress (Report No. 3126), and a bill was reported from the same committee in the first session of the last Congress fixing the rate of interest at $3\frac{1}{2}$ per cent (Report No. 1387).

The Senate Committee on Claims has also at several different times made similar reports, and the Senate at three different times has passed the measure.

Your committee, however, upon a review of the whole case, has determined that the proper measure of the liability of the Government in the premises would be the amount of interest saved to the Government on the coupon bonds and interest-bearing notes, and interest on the judgment from the date of the same until the date of payment.

As to the latter item it is proper to state that when the Treasury officials came to state and audit the claim, after the judgment was rendered, it was discovered that the law, found in volume 12, page 766, of the Statutes at Large, which provided for the payment of 5 per cent interest on judgments of this character, had been altered in transcribing it for the Revised Statutes, section 1090, by changing the word "or" to the word "and," which change Comptroller Lawrence construed in this case as a prohibition to paying any interest. This change was evidently a mere accident, and the Judiciary Committee of the House subsequently reported in favor of correcting the error. If the Attorney-General had not appealed the case, or, having appealed,

let it gone to judgment in the Supreme Court, instead of having it dismissed, then the bank, even under the law as it stood, would have been paid \$18,797.15 interest on its judgment.

As a quasi compromise, to get this claim finally settled, and in view of all the circumstances of the case, your committee think it is fairly just to allow this item.

Adding to this amount the interest which would have accrued on the bonds and interest-bearing notes, the whole amount would be \$36,646.15 as follows:

Judgment rendered January 24, 1881	\$371, 025. 00
Paid from Treasury October 29, 1891.....	\$260, 000. 00
Paid from Treasury August 30, 1892.....	111, 025. 00
	371, 025. 00
Interest 5 per cent amount of judgment, \$371,025, from January 24, 1881, to October 29, 1881.....	14, 771. 08
Interest 5 per cent amount deferred, \$111,025, from October 29, 1881, to August 30, 1892.....	4, 626. 07
	18, 797. 15
Interest on interest-bearing bonds and notes.....	* 17, 949. 00
	36, 646. 15

It is the understanding of the committee that the bank is willing to accept this amount in payment of its claim, and upon that understanding your committee therefore report back the bill so amended as to make it conform to the above statement, and, as amended, recommend its passage.

If a further statement of facts should be deemed desirable by the House, its attention is called to a report from the Committee on the Judiciary, made by Mr. Collins, of Massachusetts, to wit, No. 612, first session Forty-eighth Congress, printed below.

[House Report No. 612, Forty-eighth Congress, first session.]

The Committee on the Judiciary, to whom was referred House bill 751, having considered the same, beg leave to make the following report:

This case was fully investigated by the Committee on the Judiciary of the House of Representatives of the Forty-seventh Congress, whose favorable report we quote from and make a part of our report, as follows:

[House Report No. 353, Forty-seventh Congress, first session.]

The State National Bank of Boston was swindled by Hartwell, a United States subtreasury agent, at Boston, Mass., in 1867. It sued the Government, obtained final judgment therefor, and was paid. For the facts see 10th Court of Claims Reports, 519, and 96th U. S. S. C. Reports, No. 30.

The First National Bank of Newton was also swindled by Hartwell at the same time, and substantially in the same way. It brought suit against the United States, in the Court of Claims, in February, 1873, but allowed its cause to await the final judgment in the suit of the State National Bank v. The United States, above mentioned. On the 24th of January, 1881, the First National Bank of Newton obtained in said court a final judgment against the United States in said cause for the principal claimed, viz, \$371,025. (See 13th Court of Claims Reports.)

On the 28th of April, 1881, it served a copy of the judgment upon the Secretary of the Treasury, as is prescribed by section 1090, Revised Statutes of the United States. In March, 1881, the incoming Attorney-General of the United States appealed from said judgment to the Supreme Court of the United States, and on the 25th of October, 1881, withdrew the appeal.

On the 29th of October, 1881, the Treasurer of the United States paid \$260,000 of said judgment, and waits only for an appropriation to pay the balance.

But it is claimed that the judgment bears no interest, because it is not within the letter of the section 1090 of the Revised Statutes of the United States, and the bill under consideration is to obtain such interest and have an appropriation made for paying the balance of the judgment.

The act of March 3, 1863, chapter 92, section 7 (12 U. S. Stat., 766), provided as follows:

"In all cases of final judgments by said court, or on appeal by the said Supreme

* This amount, as interest on the bonds and interest-bearing notes, is taken from the report of the House Judiciary Committee (Forty-eighth Congress, first session, Report No. 612), and we presume is from a computation made by the Treasury Department.

Court, where the same shall be affirmed in favor of the claimant, the sum due thereby shall be paid out of any general appropriation made by law for the payment and satisfaction of private claims on presentation to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of said Court of Claims and signed by the Chief Justice, or, in his absence, by the presiding judge of said court.

"And in cases where the judgment appealed from is in favor of said claimant, or the same is affirmed by the said Supreme Court, interest thereon at the rate of 5 per centum shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid; but no interest shall be allowed subsequent to the affirmance unless presented for payment to the Secretary of the Treasury as aforesaid."

Section 1090 of the Revised Statutes of the United States is as follows:

"In cases where the judgment appealed from is in favor of the claimant, and the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per centum shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid; but no interest shall be allowed subsequent to the affirmance unless presented for payment to the Secretary of the Treasury as aforesaid."

The first sentence in the act of 1863, quoted above, provides for payment of judgments against the United States, whenever final, either in the Court of Claims (of which that statute was the basis) or, if appealed from by the United States, made final by affirmance in the Supreme Court of the United States, and makes the mode of payment simple and prompt.

The second sentence of the act of 1863, above quoted, provided for payments of interest upon and after notice of either of those facts duly served upon the Secretary of the Treasury. In transferring the quoted law into the Revised Statutes of the United States it was made sections 1089 and 1090, but in section 1090 the "or" after claimant was changed to "and." This changed the law, in the letter, so that no interest can be collected on a final judgment against the United States in said court, unless, if it be appealed from, it is also affirmed by the Supreme Court.

At least this is the construction of the Treasury Department, and under that construction the United States may simply appeal in every case with or without meritorious ground for appeal, put the claimant to the delay and expense of having the cause docketed and dismissed by the claimant under rule of the Supreme Court, or, worse, wait till the cause is about to be heard and withdraw the appeal and save interest *ad interim*, for there is no concurrence of final judgment below, and affirmance by the Supreme Court, as there is no judgment of the Supreme Court affirming the judgment below. Such a construction manifestly does violence to the intention of the law and to justice between the Government and claimants who obtained judgment against it on its contracts. After any final judgment by its own Court of Claims, and notice thereof served upon the Secretary of the Treasury, it is right for the Government to pay interest unless it shows that judgment below to be wrong. It may be perfectly right for the disbursing officers to stick thus to the letter, for they should pay out no money without plain statutory authority.

We suppose that the revisers did not intend to produce such an absurdity, but meant to say, "in cases where the judgment appealed from is in favor of the claimant, and in cases where the same is affirmed by the Supreme Court, interest thereon at the rate of 5 per centum shall be allowed," etc. This is on the original judgment.

Among the funds taken from said bank were \$25,000 in United States coupon bonds and \$20,000 in United States compound-interest-bearing notes. *The interest upon these bonds and notes, of which the Government received the benefit, and of which the bank was deprived by the conversion, amounts to \$17,949.*

The bill calls for, and the counsel for the bank claim, interest upon the whole amount (\$371,025) from the date of conversion to the date of payment. Many precedents and authorities were cited in support of the claim.

But your committee are of the opinion that while this is an exceptional case, and one of extreme hardship, the general policy of the Government is fixed and declared to be that—

No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims unless upon a contract expressly stipulating for the payment of interest. (Rev. Stats., sec. 1091.)

The bonds and compound-interest notes are such contracts. The Court of Claims did not allow this interest, and your committee believe that good faith, justice, and equity require the payment thereof.

They therefore report the accompanying bill as a substitute for the one referred to them, and recommend its passage.

ALFRED T. MORELAND.

MAY 10, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. FENTON, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 6924.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 6924) for the relief of A. T. Moreland, of Johnson County, Tenn., submit the following report:

Alfred T. Moreland enlisted about November 1, 1864, for the period of three years, under one William M. McQueen, who was then recruiting for Company L, Thirteenth Regiment Tennessee Cavalry. He enlisted in Johnson County, Tenn., the command then being stationed at Knoxville, Tenn., about 140 miles distant, and started for the same in company with the recruiting officer. While on the march he suffered much from the exposure incident to the trip, by reason of cold weather, poor clothing, and scarcity of food, and was finally prevented to proceed on account of high waters. While struggling to reach his command, and in consequence of exposure, Moreland contracted diarrhea and disease of kidneys, which confined him to the house of one David H. Miller for about two weeks. After partial recovery he again started for the regiment, but he had a relapse, and when he finally reached the command he was so reduced in health and strength that the regimental surgeon, L. P. Blackburn, refused to have him mustered, consequently his name was not taken upon the rolls.

These facts are amply shown by the testimony of competent and reliable witnesses, including Surgeon Blackburn, who was personally acquainted with Moreland prior to his enlistment, and knew that the latter was a sound and able-bodied young man until he undertook the journey heretofore referred to; also the recruiting officer, William McQueen, and two men who saw him enlist, and witnesses who were with him when he was scouting endeavoring to get to his regiment.

Moreland, according to the medical and lay testimony before your committee, has not recovered from the disabilities contracted on his trip to join his command. On the contrary, he is a great sufferer therefrom and under medical treatment therefor most of the time.

The case appears to be one of merit and entitled to the favorable consideration of Congress, as your committee fully believe from the evidence presented.

The bill is therefore returned with the recommendation that it do pass.

BENJAMIN MARCH, GUARDIAN OF RUTH MARCH.

MAY 11, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GRAFF, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 2374.]

The Committee on Claims, having under consideration the bill (H. R. 2374) authorizing the Secretary of the Treasury to issue a duplicate bond to Benjamin March, as guardian of Ruth March, an insane person, find the following facts from the sworn proofs in the case:

That Ruth March lives in Ashley, a small town in Massachusetts, and has resided there for many years; that she is 84 years of age and has become insane. She owned a United States registered bond, issued under the acts of July 14, 1870, and January 20, 1871, for the sum of \$1,000, and collected the interest on the said bond from time to time down to and including the interest due July 1, 1895.

Benjamin H. March, of Ashley, Mass., her nephew, was duly appointed guardian of said Ruth March on July 17, 1895. A thorough search through all her papers and effects has been made for said bond and it has not been found. It was shown that she shortly before burned some of her papers. It is not known whether or not said bond was then burned.

The affidavits by her neighbors and those with whom she came in contact rebut the presumption that the bond has been assigned, but tend to prove and prove, in the opinion of the committee, that said bond is lost or destroyed, although the evidence is circumstantial on that point. The woman is in such a condition mentally as not to be able to furnish any information on the subject.

The committee recommend that the bill be amended by striking out the words "equal to" in the thirteenth line of said bill, and inserting in lieu thereof the words "in double," and as thus amended the bill do pass.

The Comptroller of the Treasury, upon a hearing before that Department, recommended that no duplicate issue, for the reason that no one except Ruth March is known to have knowledge as to whether she assigned the bond when she was mentally competent to do so.

PETER BUCKLEY.

MAY 11, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BROWNLOW, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 3105.]

The Committee on Military Affairs, to whom was referred the bill (S. 3105) entitled "An act to correct the military record of Peter Buckley," having had the same under consideration, report it back to the House with the recommendation that the same do pass.

The Senate Report No. 460 is hereby adopted as being a fair presentation of the case.

[Senate Report No. 460, Fifty-fifth Congress, second session.]

The Committee on Military Affairs, having duly considered the bill (S. 3105) to correct the military record of Peter Buckley, recommend that it do pass.

A precisely similar bill (S. 2355) passed the Senate on favorable report (No. 1112) of the committee, and was favorably reported in the House during the Fifty-fourth Congress.

So much of the report of this committee above referred to as follows is adopted and made a part of this report, viz:

The Committee on Military Affairs, to whom was referred the bill (S. 2355) to remove the charge of desertion from the military record of Peter Buckley, have had the same under consideration, and submit the following report with an amendment to the bill:

Peter Buckley, now of Norwalk, Conn., was born December 25, 1840. He was enlisted as a private April 20, 1861, in Company E, Eleventh New York Volunteers, otherwise known as the Ellsworth Zouaves, to serve two years. He was returned as a deserter August 1, 1861. When he enlisted he was a minor, and his guardian was Dr. Drake, of New York, now dead. George W. Quintard, of the Quintard Iron Works, of New York City, certified that Buckley was an apprentice under him at the Morgan Iron Works up to April, 1861; that he was not of age, and left before his time had expired.

The evidence shows that young Buckley ran away and enlisted without the consent of his guardian. At the battle of Bull Run, July 21, 1861, the regiment was badly broken up. A part of the regiment was afterwards stationed at Annapolis, Md. During that time Capt. J. B. Leverich, of Company E, gave Buckley and others leaves of absence to go to New York City. They went there in charge of Lieutenant Berry. Dr. Drake, guardian, refused to let Buckley return, and ordered him back to

his work in the iron works, promising to obtain his honorable discharge as a minor when the regiment should be mustered out.

Buckley declares that the first notice he had that he was returned as a deserter was when he applied, October, 1886, for his discharge. Two credible witnesses testify as to the refusal of the guardian to let Buckley return to service because the guardian was on Buckley's apprenticeship bond. These witnesses were workmen with Buckley. One of them, who worked beside Buckley in the same room, heard these facts at the time from the guardian and from Buckley.

Buckley was where he could have been easily reached at any time if he had been treated as a deserter. It is in evidence that he is and has been a man of excellent reputation, a consistent member of the church, which has contributed a large part to his support.

Buckley made application under the act of July 5, 1884, for relief, but his case did not come within the law.

Under the circumstances the committee recommend the passage of the bill.



I. T. THRASH.

MAY 11, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HICKS, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 9748.]

The Committee on Patents, to whom was referred the bill (H. R. 9748) for the relief of I. T. Thrash, after considering the same and the testimony submitted for their consideration, report as follows:

I. T. Thrash, who is a citizen of Griffin, Ga., on December 7, 1875, obtained and had issued to him a patent for a medical composition known as "Thrash's Consumptive Cure and Lung Restorer," which patent was evidenced by letters patent No. 170918, as appears of record in United States Patent Office at Washington, D. C.

From evidence submitted to the committee from a large number of prominent citizens of Griffin, Ga., it appears that the composition is a good medicine and that it would be to the benefit of the public to have the patent extended.

The owner of the composition for which an extension is asked was not able, financially, to advertise it and manufacture it sufficiently to realize anything from it during the time of the existence of the patent under the letters granted, and has therefore derived very little profit from it. An extension of the patent will work no harm to anyone—will conflict with the rights of no one—but will simply give the right to the patentee to enjoy the fruits of his discovery hereafter, whereas he has not been able to do so heretofore; and as an extension of the patent is asked for, not only by the owner but a large number of citizens who are familiar with the compound, the committee recommend that the bill do pass.

AMENDING REVISED STATUTES RELATING TO COPY- RIGHTS.

MAY 11, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. HICKS, from the Committee on Patents, submitted the following

REPORT.

[To accompany H. R. 7015.]

The Committee on Patents, to whom was referred the bill (H. R. 7015) to amend title 60, chapter 3, of the Revised Statutes, relating to copyrights, submit the following report:

The committee heard the music publishers of the country, whom this bill is intended to protect, through their committee and attorney, and were impressed with the necessity of the enactment of the pending measure, intended for their better protection.

It was made apparent to your committee that during the last fifteen years large quantities of reprint musical compositions have been imported into the United States (mostly emanating from Canada) in violation of the copyright laws. In Canada there are a number of music publishers who are known as "pirates." These publishers watch with an eagle eye the popular and best-selling compositions of United States copyrights, and reprint them. The demand in Canada is so limited that it would not pay to reprint the hundreds of these compositions, which they have done, if it were not for the extensive market which the United States affords.

Our music publishers, as a rule, pay to the composer a large sum of money for his manuscript, and in addition a royalty on every copy sold. The publisher has the expense of making plates, attractive titles, printing, and bringing the same to the attention of the public by advertising.

Various methods are pursued in advertising. The higher grade music, both vocal and instrumental, is usually advertised in the newspapers and magazines and by thematic catalogues, circulars, etc. The Oliver Ditson Company, of Boston, New York, and Philadelphia, spends \$50,000 annually in advertising its publications and hundreds of dollars annually for United States postage stamps in sending catalogues and circulars through the mails.

The publishers of popular music advertise their music in a different way, usually through vaudeville shows, minstrel shows, comic opera, etc., and large sums of money are spent in introducing their music in this way.

2 AMENDING REVISED STATUTES RELATING TO COPYRIGHTS.

The Canadian "pirate" has no greater expense than the cost of photographing the plates of a musical composition, or making them in some other cheap way, with the cost of paper and printing. You will readily see that such publishers can sell their reprint editions for a much less price than the authorized copies can be sold for, and still make a handsome profit. It is said that only one musical composition out of twenty or thirty pays the cost of the plates from which it is printed, and the number of musical compositions which become extremely popular are very few in comparison with the number published. Therefore, the publisher must make a profit that will sustain the amount of money lost by musical compositions which have little or no sale.

During the last twelve months the Canadian "pirates" have adopted new tactics, and they have exhibited an amount of nerve which is really appalling. They have sent into the United States, by methods unknown to us, tens of thousands of their "pirated" editions of musical compositions. They also send travelers to this country who visit the music dealers in the small places and sell from the stock which they carry with them in trunks.

Letters of complaint have been filed with your committee from music dealers who are trying to do an honest business, asking if something can not be done to protect their trade, as thousands of these unauthorized Canadian editions are being sold by dealers who have no regard for the law, and the result is that the sale of the authorized edition is almost totally destroyed in such places. You will find hereto attached a few specimen letters.

Many of the publishers of popular music in New York City (which is headquarters for this class of music) complain that their business is almost ruined from the sale in the United States of the Canadian reprint editions.

The music publishers of the United States are now asking for additional legislation in the bill which is now reported (H. R. 7015). The object in asking for this legislation comes from the fact that our present copyright laws are not sufficient to punish the offenders. The present law provides a penalty of \$1 for every sheet of music found in his possession. Our experience has been that persons who ventured to sell illegal music are men of secretive make-up, who have little regard for the law, and who keep but little of this "pirated" music in their places of business at one time, usually secreting the stock some place outside of their stores. When lawsuits have been brought against them very few copies have been found—possibly from ten to one hundred copies. As this music would represent the copyright property of fifteen or twenty different publishers it would be necessary to institute as many suits to make the penalty sufficient for the crime under our present law. It would cost the publisher about \$100 for law to get \$5 worth of damages. Therefore, it does not seem unreasonable to ask for the penalty of not less than \$50, as provided in the bill.

We can not say that greater damages could be collected than have been in the past should this bill become a law. We do think, however, that the greater penalty would have greater influence in protecting the authorized editions. A few test cases might stop the traffic. If, however, this did not prove to be the case, then the last section of the bill could be brought into action, namely: "If the unlawful printing, publishing, importation, or sale, or exposing for sale, be willful and for profit, such person or persons shall be guilty of a misdemeanor, and upon conviction be imprisoned for a period of not exceeding one year."

The object in asking for this portion of the bill comes from information which has been received that the Canadian "pirates" have established underground printing establishments in this country.

We call attention to the present copyright law, section 4956:

Any person publicly performing or representing any dramatic or musical composition for which a copyright has been obtained, without the consent of the proprietor of said dramatic or musical composition, or his heirs or assigns, shall be liable to damages therefor; such damages in all cases to be assessed at such sum, not less than one hundred dollars for the first and fifty dollars for every subsequent performance, as to the court shall appear to be just. If the unlawful performance and representation be willful and for profit, such person or persons shall be guilty of misdemeanor, and upon conviction be imprisoned for a period not exceeding one year.

This law would seem to take advantage of an innocent person who might sing or perform a musical composition in public without the permission of the owners of the copyright. We do not know of any music publisher who has made a demand upon innocent persons for performances of that kind, and we are confident that if a publisher should so take advantage of the law he would make himself very unpopular with the public.

During the last ten years the music publishers of the United States have received the names of hundreds of persons who have been importing from Canada "pirated" editions for use in teaching both in private and in schools. Except to send to such persons "a letter of warning," copy of which is hereto attached, nothing has ever been done.

The music publishers of this country are not only American citizens, but are a peaceable people; they are not looking for trouble, nor do they desire legal contentions; they are determined, however, if possible, to protect themselves against an evil which is ruining their business.

The English Government promised to the United States, in the international copyright treaty of 1891, not only Canada, but all her colonies, as members of this treaty. Canadian publishers, so your committee have been informed, do not recognize the conditions of this international treaty. Lawsuits have been instituted with publishers in that country for reprinting the international copyrights of many of our publishers, and over 18,000 "pirated" copies were seized, and one publisher had contracted for 40 tons of paper, with the view of printing "pirated" editions for the American market.

Attention is directed to copies of letters, hereto attached, that give additional information on this important subject.

These reasons, in the judgment of your committee, are good and sufficient, and should so commend the measure as to secure its speedy enactment into a law.

Your committee suggest the following amendments:

In line 10, page 1, strike out the word "to" and insert "for."

In lines 14 and 15, pages 1 and 2, strike out the words "one hundred" and insert "fifty."

At the end of line 19, page 2, add "and be fined not exceeding one thousand dollars, or either, or both, at the discretion of the court;" and so amended your committee urge that the bill do pass.

OFFICE OF THE SECRETARY,
New York, March 1, 1898.

MY DEAR MR. FURNISS: At a mass meeting of the executive council of the American Copyright League, on the 24th of February, a resolution was passed approving of the bill introduced by the Hon. John Murray Mitchell (H. R. 7015), providing

4 AMENDING REVISED STATUTES RELATING TO COPYRIGHTS.

more adequate penalties for the piracy of musical publications, and the secretary was instructed to communicate the action of the council to the Committee on Patents.

Sincerely, yours,

R. U. JOHNSON, *Secretary.*

Mr. GEORGE W. FURNISS,
453 Washington street, Boston, Mass.

CHARLESTON, S. C., *February 28, 1895.*

GENTLEMEN. A large number of books and music are being procured by teachers and pupils from Canada; I think from Landry & Co. This music is all copyright in this country and a good deal of it is yours.

Can you suggest a way to deal with this? I should be glad to help you against a common enemy.

Yours, truly,

HENRY SEIGLING.

C. H. DITSON & Co., *New York.*

SAN FRANCISCO, *August 12, 1897.*

DEAR SIR: I have just been told that a firm called the Irvine Stationery Company, or some such name, at Phoenix, Ariz., is dealing heavily in the Canadian reprint editions, and is calling it the Irvine 5-cent sheet music.

As secretary of the Music Publishers' Association, I think it would be in the interest of the trade in general for you to investigate this matter.

Yours, truly,

J. P. BRODER,
Of Broder & Schlam.

CHARLES B. BAYLY, *Washington, D. C.*

CEDAR FALLS, IOWA, *September 10, 1897.*

McKINLEY MUSIC COMPANY:

The legitimate trade in music is such in this country that something will have to be done. My neighbors are (some of them) selling the late copyrighted pieces at 10 cents, and it kills the legitimate trade. They are gotten up just as cheap as they can be, and would be big money in them at 1 cent. Of course there is no publisher's name or anything on them to indicate where they are printed. I just saw a copy of "Sweet Bunch of Daisies" and "My Gal is a High-born Lady." They look something like a street poster, but the music and words are complete. Of course they are counterfeits, but they go in this country and times, and can you tell me where they come from? If this is the game I want some.

Respectfully,

G. M. BELL.

BRAZIL, IND., *October 19, 1897.*

GENTLEMEN: I have been buying your "Sweet Bunch of Daisies" by Owen, of you, and paying you the regular price of 50 cents, less the usual discount to dealers, which would make it cost me 22½ cents per copy.

Mr. A. P. Wall, of this city, is selling another edition of this same thing at 10 cents. I have a copy of it, which was bought in his store to-day. Mr. Wall says he is having a large sale of these special editions. What I want to know is, is this legitimate, selling a cheaper edition of the same thing? It is marked "The Imperial Edition." If not, is there any way to have it brought before the proper authorities; and if it is legitimate, why should I pay a fancy price to protect the owner of the copyright, or what is our copyright law in existence for?

Mr. Wall is selling all the late and popular things at 10 cents, and gets them, he says, from Canada. It is impossible for an honest dealer to cope with a rascal who will disregard our national law as he is doing; and if it can be adjusted, I want it done. Please let me hear from you at your earliest convenience, and oblige,

Yours, truly,

W. J. EVANS.

Messrs. LYON & HEALY, *Chicago.*

BUFFALO, N. Y., November 7, 1895.

GENTLEMEN: Canadian music publishers have resorted to another scheme to circulate their reprints through United States mails. While we were watching the Canadian mails they sent them across the border outside the mails, and had them posted right here in this city. Yesterday we held several hundred parcels. This office has notified the Department in Washington. I thought it of importance enough to inform you.

Respectfully,

ROBT. EICHEL,
Assistant Superintendent Mails, Buffalo, N. Y., Post-Office.

OLIVER DITSON COMPANY, Boston, Mass.

MUSIC PUBLISHERS' ASSOCIATION OF THE UNITED STATES.

Warning.

It has been brought to the attention of the Music Publishers' Association of the United States that hundreds of the most valuable copyrighted musical compositions of its members have been reprinted in foreign countries, and that large quantities of this contraband music and music books are coming to the United States (mostly emanating from Canada) in violation of the copyright laws of the United States, and in violation also of the postal treaty between the United States and Canada.

The Music Publishers' Association of the United States has determined to protect the interests of its members, as well as the interests of the authors and composers of the copyrighted music and books infringed, and hereby notifies any person or persons importing such contraband music or music books that they are violating the copyright laws of the United States and subjecting themselves to heavy penalties, whether they are importing the same for personal use or for sale.

It is also a violation of the copyright laws for any person or persons in the United States, without the consent of the owners of the copyright, to reprint or publish in any form the words or music of any musical composition which has been duly copyrighted under the copyright laws of the United States.

Music Publishers' Association of the United States:

Boosey & Co., New York City; Ditson, Oliver, & Co., Boston, Mass.; Ditson, C. H., & Co., New York City; Ditson, J. E., & Co., Philadelphia, Pa.; Ellis, John F., & Co., Washington, D. C.; Fischer, Carl, New York City; Goggan, Thos., & Bro., Galveston, Tex.; Gordon, H. S., New York City; Groene, J. C., & Co., Cincinnati, Ohio; Harms, T. B., & Co., New York City; Held, Chas. W., Brooklyn, N. Y.; Howley, Haviland & Co., New York City; Jennings, Geo. B., Co., Cincinnati, Ohio; Lyon & Healy, Chicago, Ill.; Mills, F. A., New York City; Novello, Ewer & Co., New York City; Pond, Wm. A., & Co., New York City; Rohlfing Sons' Music Co., Milwaukee, Wis.; Schubert, E., & Co., New York City; Shattinger, A., St. Louis, Mo.; Swisher, M. D., Philadelphia, Pa.; Wehman, H. J., New York City; White-Smith Music Pub. Co., Boston, Mass.; White-Smith Music Pub. Co., Chicago, Ill.; White-Smith Music Pub. Co., New York City; Witmark, M., & Sons, New York City; Witzmann, E., & Co., Memphis, Tenn.; Wood (The B. F.) Music Co., Boston, Mass.; Woodward, W., & Co., New York City; J. F. Bowers, president; Chas. B. Bayly, secretary.

AMERICAN COPYRIGHT LEAGUE,
OFFICE OF THE SECRETARY,
March 1, 1898.

CHAIRMAN OF THE COMMITTEE ON PATENTS,
House of Representatives, Washington, D. C.

DEAR SIR: At a meeting of the executive council of the American Copyright League held in New York on the 24th of February, 1898, after full consideration of the three bills presented relating to copyright, the following resolution was passed:

"Resolved, That the executive council approves of the bill introduced by the Hon. John Murray Mitchell (H. R. 7015) providing more adequate penalties for the piracy of musical publications, and respectfully recommends its enactment."



ELI STAIRS.

MAY 11, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. FENTON, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 7375.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 7375) to correct the military record of Eli Stairs, report the same back and recommend its passage.

The reasons for favorable recommendation are clearly shown in the report from the War Department herewith appended.

Case of Eli Stairs, late unassigned, One hundred and third Pennsylvania Volunteers.

The records show that Eli Stairs was enrolled and mustered into service March 31, 1865, as a private in Captain Thomas's company, One hundred and third Pennsylvania Volunteers, to serve one year. He was mustered out of service with the company as a private, June 25, 1865, at Newbern, N. C.

The records also show that the One hundred and third Regiment Pennsylvania Volunteers was paid and disbanded July 14, 1865, at Harrisburg, Pa.

An application for amendment of the records to show this soldier discharged the service on July 13, 1865, at Harrisburg, Pa., was denied May 18, 1893, there being no law under which the amendment requested can be made.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, February 24, 1898.

The SECRETARY OF WAR.

○

LICENSE TAX ON MERRY-GO-ROUNDS, ETC.

MAY 11, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. CURTIS, of Iowa, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 10278.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10278) imposing a license tax upon proprietors of merry-go-rounds or other mechanical devices operated or exhibited for purposes of public amusement for gain, and for other purposes, in the District of Columbia, report the same back to the House with the recommendation that H. R. 5884, relating to the same subject, be laid upon the table, and that H. R. 10278 do pass, with the following amendments:

Insert the word "like" in the caption of the bill and also in line 5, after the word "other," so that it will read, "or other like mechanical devices."

The disorders incident to the conducting of merry-go-rounds or carousals is the cause of a great deal of complaint from persons living in the neighborhood in which they are located. These amusements attract large assemblies of young people, who are there brought into contact with a very vicious element, while the noise of the device for furnishing music is not only a cause of general discomfort, but frequently of injury to the ill and delicate. The necessity of restraining boisterous and disorderly conduct at these places engrosses much of the time of the police, to the prejudice of more important public interests elsewhere.

The authorities are now unable to prohibit the establishment of these devices on private property if the persons who manage them pay or tender the payment of the license tax imposed by law, as the courts have decided that the law under which they are licensed, which provides no penalty for operation without a license, is a revenue law only, which leaves the Commissioners no discretion as to the issue of such license in case of such tender. The only means of relief the community has against annoyance from the use of those machines is by proceedings for their abatement as a common nuisance, which is a recourse too cumbrous and dilatory to afford an adequate remedy.

The proposed legislation is urged by the Commissioners of the District of Columbia, as it will enable them to better regulate this form of amusement, or to prevent it entirely, as circumstances may require.

AMENDING THE ACT RELATING TO PRIVATE LAND CLAIMS.

MAY 11, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CHARLES W. STONE, from the Committee on Private Land Claims, submitted the following

REPORT.

[To accompany H. R. 10290.]

The Committee on Private Land Claims, to whom was referred the bill (H. R. 8848) to amend an act entitled "An act to establish a Court of Private Land Claims, and to provide for the settlement of private land claims in certain States and Territories," respectfully submit the following report thereon:

The sixteenth and seventeenth sections of the law of March 5, 1891, establishing the Court of Private Land Claims, provide for the recognition of the claims of settlers in the Territories of New Mexico and Arizona, and the States of Utah, Colorado, Wyoming, and Nevada, who have been in the continuous, adverse, actual, bona fide possession, as a home, of not exceeding 160 acres of land for twenty years prior to the survey by the United States of such lands, and for the issuing of patents to such bona fide settlers. The eighteenth section of said law limits the time for filing claims under said two sections to two years from the passage of that law. This time, however, was extended to the 1st day of December, 1894, by the act of February 21, 1893. Such time, however, has proved insufficient.

The Court of Private Land Claims was somewhat slow in getting into practical operation, and cases were not rapidly adjudicated. Some settlers claiming under private land claims could not know whether to file their claims under the 18th section of the act of March 5, 1891, or not, until the validity of their claims under private grants had been passed upon by the Court of Private Land Claims, and even now all of them have not been so passed upon. Others of such bona fide settlers entitled to the benefits of said act of March 5, 1891, do not seem to have understood their rights thereunder in season to avail themselves thereof.

Men who have entered on wild and unsurveyed land in good faith, and generally under what they supposed to be a valid title, and have

2 AMENDING THE ACT RELATING TO PRIVATE LAND CLAIMS.

actually lived there, improving the same, making it their home, and maintaining an actual and continuous occupancy for twenty years and more, ought not to be dispossessed on a mere technicality, nor should any unintentional neglect and delay in filing their claims deprive them of their homes.

Your committee believe that the time for filing claims under the eighteenth section of the act of March 5, 1891, may properly be extended to March 5, 1901; but it is deemed proper in doing so to refer to the extension of time heretofore made by act of February 21, 1893; and to make entirely clear the effect of the proposed legislation your committee report herewith a substitute for said bill No. 8848, and recommend its passage.

It is proper to state that this bill has been submitted to the Secretary of the Interior and the Commissioner of the General Land Office and is approved by them.

○

CIRCUIT COURTS OF APPEALS, ETC.

MAY 11, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. CONNOLLY, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany H. R. 8279.]

The Committee on the Judiciary, to whom was referred the bill (H. R. 8279) to amend the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, A. D. 1891, submit the following report:

This bill amends sections 6 and 7 of the act of March 3, 1891, establishing the circuit courts of appeals.

Section 6 of said act gives to the circuit courts of appeals jurisdiction to review the final judgments and decrees of the district and circuit courts.

The purpose of this bill is to so amend the sixth section of that act as to extend its jurisdiction so as to hear and determine appeals or writs of error from interlocutory orders and decrees appointing or refusing to appoint receivers, or vacating or refusing to vacate such an order or decree, notwithstanding an appeal in such case upon final decree would go direct to the Supreme Court.

This is the only change it proposes in said sixth section of the act creating the circuit courts of appeals.

Section 7 of the act creating the circuit courts of appeals provided for an appeal to the circuit courts of appeals from an interlocutory order or decree granting or continuing an injunction in any cause wherein an appeal from the final decree therein would lie to the circuit courts of appeals.

An act passed February 18, 1895, amended this seventh section of the original act by extending such right of appeal to interlocutory orders or decrees *refusing or dissolving an injunction*, so as the law now stands appeals lie from interlocutory orders or decrees granting, continuing, dissolving, or refusing an injunction.

The purpose of this bill is to so further amend the seventh section of said original act as amended by the act of February 18, 1895, as to permit appeals or writs of error to the circuit courts of appeals from interlocutory orders or decrees granting or refusing the appointment of a

receiver or granting or refusing a motion for vacation of such appointment. If the bill shall become a law the effect of it will be to allow appeals and writs of error to lie from interlocutory orders or decrees of district or circuit courts granting, continuing, refusing, or dissolving an injunction, as well as from interlocutory orders or decrees granting or refusing the appointment of a receiver or granting or refusing a motion to vacate such appointment.

Such appeals from interlocutory orders are given precedence in the circuit courts of appeals, and such appeals will not stay proceedings during their pendency in the courts below. Orders and decrees relating to appointment of receivers are surely quite as important as those relating to injunctions, and the reasons for allowing appeals from such interlocutory orders in case of injunctions apply with equal force in case of receivers.

It may further be said that the American Bar Association has at its last three annual sessions strongly urged upon Congress the amendments proposed in this bill.

Your committee recommend the passage of the bill, with the following amendments:

In line 3, page 1, before the word "That," insert "Sec. 1."

In line 9, page 1, after the word "Sec.," strike out "1" and insert "6."

On page 2, line 17, after the word "receivers," insert "or vacating or refusing to vacate such an order or decree."

On page 4, line 11, after the word "receiver," insert "or for the vacation of such appointment."

On page 4, line 16, after the word "receiver," insert "or for the vacation of such appointment."



CHARLES E. MANN.

MAY 11, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BOTKIN, from the Committee on Invalid Pensions, submitted the following

REPORT

[To accompany S. 2247.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 2247) granting a pension to Charles E. Mann, have examined the same and the evidence relating thereto and respectfully report.

This bill proposes to pension, at the rate of \$8 per month, Charles E. Mann, of 1941 Arapahoe street, Denver, Colo.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 2247) granting a pension to Charles E. Mann, have examined the same and report:

A similar bill was introduced in the Senate during the Fifty-fourth Congress, passed the Senate, and was reported favorably by the House.

The Senate report was as follows, which your committee adopt, and recommend the passage of the bill:

The bill proposes to pension petitioner at the rate of \$24 per month. The papers in the case show him to have been a member of Company H, Second Regiment Massachusetts Volunteer Cavalry, from November 12, 1863, to August 1, 1865; that on May 11, 1894, he filed an application for pension under the act of June 27, 1890, alleging therein total deafness of left ear, caused by sunstroke, hemorrhoids, and shell wound of rectum and of left hand, all of which he alleged were of service origin. Subsequently he filed his affidavit, stating that by reason of long absence from his native State he had not kept in communication with former comrades, and that therefore it was impossible for him, as required by the Pension Bureau, to furnish testimony as to the time, place, and circumstances attending the incurrence of each of said disabilities. He furnished the affidavits of neighbors Williams and Bloom as to nonvicious habits, and when a special examiner of the Pension Bureau subsequently interviewed these affiants he reported to the Commissioner that each corroborated his former statement, and that the reputation of one was "good" and that of the other "excellent."

The only medical examination to which the claimant was subjected (Denver board) found "no evidence of vicious habits," "a scar of gunshot wound of left wrist about 1½ inches long, muscles of thumb greatly atrophied, and that part of the hand supplied by the median nerve almost completely anæsthetic;" found evidence of interference with nutrition; found hemorrhoids, a diseased condition of the auditory tract, and impaired hearing and cicatrices of the wounds alleged, and as to degree of disability said: "In opinion of board, claimant is not totally disabled for manual

labor, and gunshot wound of hand, ear, and rectal troubles are not equal to disability of loss of hand or foot." Thereupon the claim, though submitted for admission, was rejected on the ground of no ratable disability from impaired hearing and piles and because of the inability of claimant to furnish "origin" of the alleged wounds.

In considering this case the committee take cognizance that it is one filed under the act of June 27, 1890; that one object of said act was to afford relief in cases where the applicant could not furnish testimony as to the precise origin of his disabilities; that the fact of this petitioner having applied under the said act was indicative that he expected relief without proving when, where, and how his disabilities originated, as otherwise he would have availed himself of the general law and have secured a rating far in excess of that obtainable under the June act; that the testimony presented negatives the theory of vicious habits as causative factors of any existing disability; that the allegations of the claimant as to origin are fortified by the records of the War Department so far as sunstroke is concerned, and that as there is no inherent improbability in the allegations as regards the other disabilities, and that as the committee do not concede that to entitle a soldier to a rating of \$12 a month under the act of June 27, 1890, it is necessary that he should be disabled to an extent equivalent to the loss of a hand or foot, the passage of the bill is recommended.

The bill is therefore reported back, with the recommendation that it pass when amended as follows:

In line 7, after the word "Volunteers," insert the words "and pay him a pension."



IMPROVEMENT OF UPPER MACHODOC CREEK, VIRGINIA.

MAY 11, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. BERRY, from the Committee on Rivers and Harbors, submitted
the following

REPORT.

[To accompany H. Res. 198.]

The Committee on Rivers and Harbors, to whom was referred joint resolution (H. Res. 198) asking for estimates for the improvement of Upper Machodoc Creek, in King George County, Va., report the same favorably, with the following amendment:

At the end of the resolution, after the word "Virginia," in line 6, add the words "and report upon the advisability of said improvement."



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THEODORE W. COBIA.

MAY 11, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STALLINGS, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 6645.]

The Committee on Pensions, to whom was referred the bill (H. R. 6645) granting an increase of pension to Theodore W. Cobia, have considered the same and respectfully report as follows:

This is a bill enacting that the pension of Theodore W. Cobia, who served in the Florida war, be increased from \$8 to \$12 a month.

This old soldier now draws a pension of \$8 a month (certificate No. 1719), which is inadequate for his necessities. He is 78 years old, almost totally blind, and very feeble. He served in the Florida war in Capt. John Mathis's Company, South Carolina Mounted Volunteers. His present circumstances are fully set forth in the following affidavits:

THE STATE OF ALABAMA, Dekalb County:

In the matter of application of Theodore N. Cobia, of Rodentown, Ala., for an increase of his pension, who is now placed on the Knoxville pension rolls at the rate of 8 dollars per month, personally appeared before me, L. Gravitt, a notary public in and for said county, personally appeared Simeon T. Word and J. W. McDearmond, and W. R. Waters and John A. Barksdale, of Rodentown, Ala., who, being by me duly sworn, depose and sayeth that we are personally acquainted with the applicant, Theodore N. Cobia, and his pecuniary condition, and we know from our own personal knowledge that he is unable to earn a livelihood by his manual labor; he is very old and unable to perform manual labor, and he is total blind in left eye; besides, he is physically unable to do labor; this we know from our own daily and weekly observations; he has no daily or yearly income or other resources for his well-being, and we are of the opinion that his present pension rating is not sufficient and inadequate for his well-being, as he is entirely dependent on others for support and well-being.

S. T. WORD.
J. W. MCDEARMOND.
J. A. BARKSDALE.
W. R. WATERS.

Sworn to and subscribed before me this the 31 day March, 1896.

[SEAL.]

L. GRAVITT, *Notary Public.*

THE STATE OF ALABAMA, Dekalb County:

In the matter of Theodore N. Cobia, for an increase of pension, who is now placed on the pension rolls of Knoxville, Tenn., at the present rates of \$8 per month, personally appeared before me, L. Gravitt, a notary public in and for said county of Dekalb and State aforesaid, personally appeared F. M. Howard and W. J. Word,

and W. A. Cavis, H. N. McNair, all of Rodentown P. O., Ala., who, being by me duly sworn, deposeth and sayeth that we are personally acquainted with Theodore N. Cobia and frequently see him, and that he is in destitute circumstances. He has no other means of support other than his small amount allowed him by the U. S. Govemt. and his daily labor, and he being unable to perform manual labor by reason of being wholly physically unable to perform manual labor, he being totally blind in left eye and being of the age of 77 years, he is incapacitated from performing manual labor, and we are of the opinion that the sum now allowed him as pension is inadequate for his well-being, as he has to pay board and washing bills.

F. M. HOWARD.

W. J. WORD.

W. A. CAVIS.

H. N. MCNAIR.

Sworn to and subscribed before me this 16th day of April, 1896.

[SEAL.]

L. GRAVITT,

Notary Public and Exoff. J. P.

The passage of the bill is respectfully recommended.



GEORGE H. GIVENS.

MAY 11, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STRODE, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 8861.]

The Committee on Pensions, to whom was referred the bill (H. R. 8861) granting an increase of pension to George H. Givens, have considered the same and report:

The claimant was a private in Company D, First Kentucky Cavalry, and served from June 9, 1846, to June 7, 1847, in the Mexican war. For this service he was granted a pension of \$8 per month under the act of January 29, 1887, and his rating was subsequently increased to \$12 upon his showing dependence and inability to earn a support by manual labor.

The testimony filed in support of the bill shows that Mr. Givens is 73 years old and a cripple from paralysis, causing total inability to maintain himself by physical or mental labor. It is also shown that he is entirely dependent for a livelihood upon his pension.

There are many precedents for the allowance of increased ratings to the aged and needy veterans of the Mexican war, and in view of the facts set forth above the passage of the bill is respectfully recommended, with an amendment striking out the word "twenty-five," in line 7, and substituting therefor the word "eighteen," so as to fix the rating at \$18 per month.

THE SECRETARY OF THE
TREASURY
WASHINGTON, D. C.
JANUARY 1, 1901

TO THE HONORABLE
COMMISSIONER OF THE
LAND OFFICE
WASHINGTON, D. C.

SIR:
I have the honor to acknowledge the receipt of your letter of the 27th inst.

relative to the application for a patent for an improvement in the
method of measuring the area of land.

The Commission on the subject of land measurement has been
appointed by the Secretary of the Treasury, and its report will be
submitted to the Secretary of the Treasury at an early date.

I am, Sir, very respectfully,
Yours very truly,
J. M. McKim

Enclosed for the Commissioner of the Land Office are
two copies of the report of the Commission on the subject of
land measurement.

Very respectfully,
J. M. McKim

Enclosed for the Commissioner of the Land Office are
two copies of the report of the Commission on the subject of
land measurement.

CHARLES T. BRANT.

MAY 11, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. McEWAN, from the Committee on Claims, submitted the following

ADVERSE REPORT.

[To accompany H. R. 1810.]

The Committee on Claims, to whom was referred the bill (H. R. 1810) for the relief of Charles T. Brant, having given the same careful consideration, beg leave to report it back to the House with the recommendation that it do not pass.

This was the action taken on a similar bill for the relief of Charles T. Brant in the Fifty-fourth Congress.

It will be seen by the following affidavits that we have only the statement of the claimant as to the destruction of the money, and in addition the affidavits of five neighbors as to the good character of the claimant.

Heretofore payment has been made of money burned or otherwise injured when there has been enough of the bill left to prove its genuineness and its denomination. In this case there was an alleged total destruction.

STATE OF INDIANA, *Huntington County*, ss:

Charles T. Brant, being duly sworn, says that in November, 1871, he burned up \$210 of lawful money, of which \$120 was greenbacks and \$90 in national-bank bills. The report of Mr. Bunn indicates that it may have been counterfeit. As to that I will say that myself and others about that time had taken lessons in the detection of counterfeit money, and for that reason I examined every bill carefully that came into my possession, and afterwards, by reason of the lessons taken, I was able to capture two men that had passed counterfeit bills. The bills were on the National Bank of Richmond, and both of these men were sent to prison for five years each, and with the prisoners I captured a considerable sum of counterfeit money, and by the direction of E. G. Rathbone, the secret service officer at that time, sent the money to the department at Washington and received their receipt for the same. That receipt I have lost. It was during the time that Mr. Washburn was chief of the Secret Service Department; and the records of the department will bear me out in what I say. The greater part of the money—that is, the money burned—had only been in my possession a short time and I intended to use it soon.

CHARLES T. BRANDT.

Subscribed and sworn to before me this 24th day of February, 1896.

[SEAL.]

EVERETT C. BRANYAN, *Notary Public*.

TREASURY DEPARTMENT, OFFICE OF THE TREASURER,
Washington, D. C., December 19, 1891.

SIR: Your letter addressed to the honorable Secretary of the Treasury, inclosing the statement of Mr. Charles T. Brant, relative to his loss by fire of \$210 in currency in November, 1871, has been referred to this office, and in reply I would say that if the notes were totally destroyed so that they can not be identified, I know of no law by which they can be redeemed by this Department.

Congress, I am informed, alone has the power in such cases to make good the loss upon the petition of the owner.

Respectfully, yours,

E. H. NEBEKER,
Treasurer United States.

Hon. A. N. MARTIN,
House of Representatives.

TREASURY DEPARTMENT, OFFICE OF THE TREASURER,
Washington, D. C., April 25, 1898.

SIR: This office is in receipt, by reference from the Secretary of the Treasury, of H. R. 1810, Fifty-fifth Congress, first session, entitled "A bill for the relief of Charles T. Brant," for the accidental destruction by fire of the sum of \$120 in United States legal-tender currency in November, 1871, with your request for a statement of facts.

In reply you are advised that the files of this office have been diligently searched and no record has been found of any statement of the burning of currency belonging to Charles T. Brant.

The difficulties about securing indisputable evidence concerning the complete destruction of currency by fire or otherwise are so serious, and the danger of fraud in such applications is so obvious, that it is believed the ends of justice are best subserved by continuing the policy which has long prevailed of treating the complete destruction of currency by fire or otherwise as a misfortune which the Government can not remedy.

Your reference and inclosure are returned herewith.

Respectfully yours,

ELLIS H. ROBERTS,
Treasurer of the United States.

Hon. CHARLES N. BRUMM,
Chairman Committee on Claims, House of Representatives.

PROTECTING FREE LABOR FROM PRISON COMPETITION.

MAY 11, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. GARDNER, from the Committee on Labor, submitted the following

REPORT.

[To accompany H. R. 9334.]

The Committee on Labor, to whom was referred the bill (H. R. 9334) entitled "A bill to protect free labor from prison competition," report the same back to the House with the recommendation that the bill be passed with the following amendments:

Section 1, line 6, insert the word "manufactured" after the word "any."

Section 3, line 10, insert the word "manufactured" after the word "all," and at the end of same section insert a colon in place of the period and add the following:

Provided, That this act shall not apply to unmanufactured agricultural or mineral products.



QUEENSTOWN CHANNEL, MARYLAND.

MAY 11, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. HOOKER, from the Committee on Rivers and Harbors, submitted
the following

REPORT.

[To accompany H. Res. 180.]

The Committee on Rivers and Harbors, having had under consideration House joint resolution No. 180, relative to plans and estimates for the improvement of Queenstown Channel, Maryland, do report:

This resolution authorizes and directs the Secretary of War to prepare and submit plans and estimates for the improvement of Queenstown Channel, Queen Anne County, Md., with a view of widening said channel to 200 feet, to straighten same from point of entrance in the Chester River to point of exit in Queenstown Harbor, and to deepen same to 12 feet at mean low water.

The committee recommend that the resolution do pass with the amendment after the word "water," in line 9, by adding the words "and report as to the advisability of the same."

SABINE PASS.

MAY 11, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. HOOKER, from the Committee on Rivers and Harbors, submitted
the following

REPORT.

[To accompany H. Res. 195.]

The Committee on Rivers and Harbors, having had the joint resolution (H. Res. 195) calling upon the Secretary of War for information concerning the port of Sabine Pass under consideration, do report:

This resolution calls for information from the Secretary of War, which he already has on hand, and asks for the opinion of the Engineer Department relative to any enterprise or construction, in the way of a ship canal or otherwise, now in process of completion in or about the harbor of Sabine Pass.

The committee, after full consideration, recommend that it do pass.



MANITOWOC HARBOR, WISCONSIN.

MAY 11, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. HOOKER, from the Committee on Rivers and Harbors, submitted
the following

REPORT.

[To accompany H. Res. 185.]

The Committee on Rivers and Harbors, to whom was referred the House joint resolution (H. Res. 185) for the improvement of Manitowoc Harbor, Wisconsin, report:

It appears that in stormy weather northeast seas sweep past the end of the present breakwater, and, striking against the south pier, are deflected into the harbor with such force as to break loose the vessels from their moorings and cause damage to such vessels. It is believed that if the present breakwater is extended in an easterly direction 400 feet it will prevent northeast seas from flowing into the harbor. Southeast seas will be permitted then, as now, to pass between the breakwater and the north pier, thus insuring comparatively smooth water to the harbor and removing the great danger which now exists to vessels lying in the harbor, and to vessels entering or departing from the harbor, in case of severe storm. This is a matter of much importance to the shipping interests of the lakes.

For this reason this resolution is reported with the recommendation that it do pass.



ANNIE N. LEWIS.

MAY 11, 1898.—Ordered to be printed.

Mr. ODELL, from the Committee on Accounts, submitted the following

REPORT.

[To accompany House Res. No. 259.]

The Committee on Accounts, to whom was referred House resolution No. 259, beg leave to report:

The resolution is as follows:

Resolved, That the Clerk of the House of Representatives be directed to pay out of the contingent fund of the House to Annie N. Lewis, widow of Herman L. Lewis, deceased, late a messenger in the post-office of the House of Representatives, a sum equal to his salary for six months, and that he be further directed to pay out of the contingent fund of the House the expenses of the funeral of the said Herman L. Lewis, said expenses not to exceed the sum of one hundred and fifty dollars.

The above resolution is hereby approved, and the committee recommend that the same do pass.



THE UNIVERSITY OF CHICAGO

REPORT

ON THE PROGRESS OF THE WORK DURING THE YEAR 1900

BY THE FACULTY OF THE DIVISION OF PHYSICAL SCIENCES

REPORT

FOR THE YEAR 1900

THE UNIVERSITY OF CHICAGO

CHICAGO, ILL., 1901

PRINTED BY THE UNIVERSITY OF CHICAGO PRESS

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GEORGE W. McKINSEY.

MAY 12, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MINOR, from the Committee on Claims, submitted the following
REPORT.

[To accompany H. R. 1800.]

The Committee on Claims, to whom was referred the bill (H. R. 1800) for the payment of a sum of money therein named for the reimbursement of one George W. McKinsey, a resident of Kokomo, Ind., report:

Your committee find the following to be the facts in the case: George W. McKinsey was the postmaster at Kokomo, Ind., from July 1, 1889, to November 19, 1893. On July 1, 1889, the post-office at Kokomo, Ind., was raised from an office of the third class to one of the second class, and at that time came under the postal provisions which provide for the payment of all rents, lights, fuel, and clerk hire in such office by the Government. That between July 1, 1889, and January 1, 1890, he paid from his own funds a large amount of money for said rents, lights, fuel, and clerk hire. He was compelled to do this by reason of the Government having failed to provide for these items during the time stated, amounting to about two quarters, or six months.

The foregoing statement is borne out by the Postmaster-General, whose letter we append hereto.

This bill provides for the payment of \$713, but the committee desire to submit the following amendment, in order that the bill may conform to the statement submitted by the Postmaster-General. When such amendment shall have been adopted, we recommend the passage of the bill.

Amend by striking out all after the word "of" in the sixth line, down to and including the word "thirteen," in the seventh line of the printed bill, and insert in lieu thereof the words "six hundred and twenty dollars and twenty cents," so as to read as follows: "There is hereby appropriated to George W. McKinsey, postmaster at Kokomo, Indiana, the sum of six hundred and twenty dollars and twenty cents."

POST-OFFICE DEPARTMENT,
OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL,
SALARY AND ALLOWANCE DIVISION,
Washington, D. C., March 9, 1896.

SIR: In reply to your communication of the 3d instant, inclosing H. bill 3683, for the relief of George W. McKinsey, late postmaster at Kokomo, Ind., I find upon examination of accounts on file in this Department that Mr. McKinsey filed the fol-

lowing vouchers in excess of his regularly authorized allowances for the period from July 1, 1889, to January 20, 1890:

Clerk hire	\$680.47
Rent	165.55
Fuel and light.....	4.66
Total.....	850.68

upon which a credit of \$137.68 has been allowed by the Auditor's Office, leaving a balance of \$713.

The records of this office show that the Kokomo office was advanced from third to second class July 1, 1889, but that the allowance for clerk hire was not increased until January 1, 1890, upon which date an allowance at the rate of \$1,300 per annum was made, which was fully up to the average granted offices of a similar grade for the said purpose. It would appear, therefore, that Mr. McKinsey has a meritorious claim for the following amounts:

Clerk hire (difference between \$400 and \$1,300 per annum):	
Third quarter of 1889.....	\$225.00
Fourth quarter of 1889.....	225.00
	\$450.00
Rent, fuel, and light (actual excess covered by vouchers):	
Third quarter of 1889.....	75.00
Fourth quarter of 1889.....	75.00
First quarter of 1890 (to January 20).....	20.21
	170.21
Total for clerk hire, rent, fuel, and light.....	620.21

Very respectfully,

F. H. JONES,
First Assistant Postmaster-General.

Hon. E. S. MINOR, *House of Representatives.*

○

JOHN C. COLEMAN.

MAY 12, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MINOR, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 9874.]

The Committee on Claims, to whom was referred the bill (H. R. 9874) for relief of John C. Coleman, having given the same careful consideration, beg leave to report it back with the recommendation that it do pass.

The facts are as follows:

Chesley Faircloth was a contractor for carrying the mail on route No. 15286, Georgia. His sureties on his bond were John C. Coleman and White R. Smith. Faircloth incurred some penalties for remissness, which were charged up against him, and suit was brought by the United States against Faircloth, principal, and John C. Coleman and White R. Smith, his sureties, in the United States court at Savannah, and judgment was rendered against the principal and his sureties in March, 1896. Faircloth was insolvent, and the execution was levied upon the property of John C. Coleman, one of his sureties, in September, 1896, and he was forced to pay the judgment, the principal of which was \$343.58, and the execution was transferred to Coleman by the United States, which he now holds.

Faircloth is dead. He left no estate, and there is no administration upon his estate.

When the judgment was paid by Coleman there was a credit of \$116.39 to Faircloth on his contract, which should have been credited on the judgment, so the amount which Coleman should have paid was only \$227.19. The Government has received from Coleman \$116.39 more than it should have received, and should in equity and justice return to him said sum of \$116.39.

TREASURY DEPARTMENT,
OFFICE OF A DITOR FOR THE POST-OFFICE DEPARTMENT,
Washington, D. C., March 22, 1898.

SIR: Referring to our conversation of yesterday, relative to the balance of \$116.39 due Chesley Faircloth, late contractor (now deceased), I have the honor to state that I am in receipt, by reference from the Third Assistant Postmaster-General, of the letter surety John C. Coleman addressed to you, requesting the payment to him of said balance, for the reason that he, as surety, paid the judgment recovered by

the United States in the United States district court for the southern district of Georgia.

The facts in the case are as follows:

The account of Chesley Faircloth, late contractor on route No. 15286, Georgia, was submitted to the Department of Justice in 1891 for suit against the principal and sureties, Messrs. Coleman and Smith, for the collection of a balance of \$343.58, with the statement that there was due Mr. Faircloth a credit of \$72.97, which was suspended on account of his indebtedness. This credit was subsequently increased to \$116.39.

Mr. Coleman now desires that the said \$116.39 be paid over to him for the reason above given.

In this connection I invite your attention to the opinion of the Comptroller of the Treasury dated February 28, 1895 (1 Comp. Dec., 258-260, 261), in the matter of the "account of Pedro De Napoles, for refundment of tax illegally collected," to wit:

"When internal-revenue taxes, illegally or erroneously assessed against a distiller, are refunded, payment must be made to the principal against whom the assessment was levied, and not to a surety on his bond, although the latter may in fact have paid the assessment on behalf of his principal." * * *

"Whether Mr. Shwartz (the surety) is equitably entitled to receive the amount refunded on the erroneous assessment made against Mr. De Napoles is a question for private settlement between them, and not one for the determination of and settlement by the Department." * * *

"On an appeal by a surety on the bond of E. C. Benham, deceased, late postmaster at Hoquiam, Wash., from the Auditor of the Treasury for the Post-Office Department, to have refunded to him as such surety an amount paid by him on account of his principal, and which had been erroneously charged against the principal, the Comptroller, on April 24, 1894, held, following the established custom of the Auditor for the Post-Office Department, that the accounts of the Government were with the postmaster, and that payments made by sureties on his behalf must be treated as payments by the principal, and that the amount refunded would have to be paid by a draft in favor of the personal representatives of the deceased postmaster."

In view of the above I inclose herewith a copy of blank form No. 638, "Application by widow or heir for balance due deceased contractor," with the recommendation that Mr. Coleman cause the same to be filled out and acknowledged by the personal representatives of Chesley Faircloth, designating one of their number to receive payment, accompanied by an affidavit of two disinterested persons as therein set forth.

If said form, properly filled out, should be returned to this office a draft will be drawn payable to the person designated to receive payment and forwarded in the care of Mr. Coleman, who will then be in a position to collect the money, provided, of course, the payee will indorse the draft.

Respectfully, yours,

HENRY A. CASTLE, *Auditor.*

Hon. R. E. LESTER,
House of Representatives.

CHARLES H. VEIL.

MAY 12, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. McDONALD, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 3506.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 3506) authorizing the restoration of the name of Charles H. Veil, late first lieutenant, First United States Cavalry, to the rolls of the Army, and providing that he be placed on the list of retired officers, have duly considered the same and beg leave to make the following report:

Charles H. Veil, late lieutenant and brevet major, United States Army, enlisted at the age of 19 as a private in Company G, Ninth Regiment Pennsylvania Reserve Corps Volunteers, and was mustered into service July 13, 1861.

He served as an orderly on the staff of various generals, and was so serving on the staff of Maj. Gen. John F. Reynolds at the battle of Gettysburg, and was the only person present when General Reynolds fell mortally wounded. Orderly Veil, while under fire, without assistance, and despite great peril of death or capture, bore away his commander's body and saved it from falling into the hands of the enemy.

The family and friends of General Reynolds, without any solicitation on the part of Mr. Veil, presented the facts of his gallant conduct to President Lincoln, who directed that he be commissioned as an officer in the Regular Army, and in due course he was ordered to report to the Secretary of War for promotion. He was commissioned April 7, 1864, as second lieutenant, First United States Cavalry, and joined his regiment at Culpeper Court-House, Va.

He served with the Army of the Potomac during the remainder of the war, first with his regiment and later as acting inspector-general on the staff of the Reserve Brigade, Cavalry Division, Army of the Potomac.

He was promoted to be first lieutenant, First Cavalry, July 1, 1864, having previously, on May 6, 1864, been brevetted first lieutenant for

"gallant and meritorious service at the battle of Todd's Tavern, Virginia," and was subsequently brevetted captain for gallant and meritorious service at the battle of Five Forks, and major for gallant and meritorious service throughout the war.

After the close of the war he served on staff duty in the Department of the Gulf from June to December, 1865, when he was ordered to duty with his regiment, then on the Pacific coast engaged in active service against the Indians. He remained on such service, being continuously engaged in active campaigning, until February 19, 1871.

On the last-named date he was peremptorily relieved from duty at Camp McDowell, Ariz., and forced out of the service on receipt of General Orders No. 1, War Department, Adjutant-General's Office, Washington, D. C., dated January 2, 1871, which order at one and the same time purported to transfer him to the list of supernumeraries and to muster him out of the service of the United States under the act of Congress approved July 15, 1870.

Lieutenant Veil, without fault or improper conduct on his part and without any charges being preferred against him, was taken from the active list of the Army and placed on the supernumerary list, and on the same date and by the same order was mustered out of service. He received no preliminary notice of this action, nor was he afforded an opportunity to show why such action should not be taken, but was summarily discharged the service, honorably, it is true, but in the opinion of your committee arbitrarily and to the great detriment of the soldier.

This action appears to have been especially harsh when it is considered that his long service was without spot or blemish of any character, that during its entire period he was engaged in active campaigning, and that his record is not only honorable but exceptionally brilliant.

His service, as shown by the records of the War Department, is as follows:

RECORD AND PENSION OFFICE,
War Department, April 13, 1898.

It is shown by the records that Charles H. Veil was enrolled July 13, 1861, at Johnstown and mustered into service July 27, 1861, as a private in Company G, Ninth Pennsylvania Reserve Infantry (Thirty-eighth Pennsylvania Volunteers), to serve three years. On the muster rolls of his company to October 31, 1861, his presence or absence is not stated. On subsequent rolls to April 30, 1862, he is reported as having been on duty as orderly to Brig. Gen. E. O. C. Ord; on roll dated June 30, 1862, on duty as orderly to General Seymour; on subsequent rolls to August 31, 1863, on duty as orderly to Major-General Reynolds, and on subsequent rolls to December 31, 1863, on duty as orderly to General Newton. He was discharged the service January 11, 1864, to enable him to accept appointment as second lieutenant First United States Cavalry.

* * * * *

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

The following paper relative to his case is on file in the Adjutant-General's Office:

EXECUTIVE MANSION,
Washington, December 23, 1863.

MY DEAR SIR: Please see this lady, who is the sister of our gallant and brave friend, General Reynolds, who fell at Gettysburg. Please oblige her if you can.

Yours, truly,

A. LINCOLN.

HON. SECRETARY OF WAR.

NOTE.—She applies that Charles H. Veil, Ninth Pennsylvania Reserves, orderly to General Reynolds, may be appointed second lieutenant in a regular regiment.

The record of his service in the Regular Army is as follows:

WAR DEPARTMENT,
Adjutant-General's Office, Washington.

Statement of the military service of Charles H. Veil, late of the United States Army, compiled from the records of this office.

Was a private of Company G, Ninth Pennsylvania Reserves, from July 29, 1861, to December 31, 1863; private of the General Mounted Service from January 1 to April 22, 1864; second lieutenant, First Cavalry, April 7, 1864; first lieutenant, First Cavalry, July 1, 1864; honorably mustered out January 1, 1871; brevetted first lieutenant May 6, 1864, for gallant and meritorious services at the battle of Todds Tavern, Virginia, and captain and major, United States Army, April 1, 1865, for gallant and meritorious services at the battle of Five Forks, Virginia.

SERVICES.

He joined his regiment April 30, 1864, and served with it in the Army of the Potomac to August, 1864; in the Reserve Brigade of the First Cavalry Division of the Middle Military Division (being on duty as aid-de-camp at the headquarters of that brigade) to June, 1865; on detached service on the staff of Gen. J. W. Forsyth in the Military Division of the Gulf to December 21, 1865; en route to and with his regiment in California to July, 1866, and in Arizona to September 1, 1868; on detached service conducting enlisted men about to be discharged to Drum Barracks, Cal., to January 12, 1869; on duty with his regiment at Camp Crittenden, Ariz., to February 22, 1869; on detached service in Arizona to March 3, 1869, and again from March 23 to August 30, 1869 (being on duty as acting assistant adjutant-general of the sub-district of Tucson from May 20 to August 30, 1869); on duty with his regiment at Camp Crittenden, Ariz., to September 21, 1869; on leave of absence to February 28, 1870; member of a board to inspect horses at Drum Barracks, Cal., to May 9, 1870; en route to and with his regiment at Camp Crittenden, Ariz., to August 15, 1870, and at Camp McDowell, Ariz., to February 19, 1871, when he was relieved from duty at the post, having been transferred to the list of supernumeraries and honorably mustered out of service to date January 1, 1871, with a year's pay, under section 12, act of July 15, 1870.

W. V. HALLS,
Assistant Adjutant-General.

The quality of his service and the estimation in which he was held by his superior officers are attested by the following copies of orders, letters, etc:

GENERAL ORDERS, }
No. 17. }

HEADQUARTERS CAVALRY RESERVE BRIGADE,
First Division, Sheridan's Cavalry, June 7, 1865.

Pursuant to instructions from Cavalry Corps Headquarters of the 5th instant, First Lieut. C. H. Veil, First United States Cavalry, acting inspector-general of this brigade, is hereby relieved from duty therewith, and as soon as he has completed the present inspections required by existing orders will repair to New Orleans, La., and report to his regiment. In parting with this officer, long connected with the brigade, the commanding officer desires not only to express his regret at the separation, but also to testify his full appreciation of the faithful devotion to duty, uniform gallantry in action, entire disregard of self, cool consideration of what was best for the public service, and unswerving devotion to the cause for which he has fought and won.

The general commanding will always look back with pleasure to his service with Lieutenant Veil, and parts with him with earnest and cordial wishes for his future welfare and success and happiness, and the hope of meeting soon again.

ALFRED GIBBS,
Brevet Major-General, Commanding.

TERRITORY OF ARIZONA, EXECUTIVE OFFICE,
Tucson, February 13, 1871.

DEAR SIR: I notice by the papers that Maj. C. H. Veil has been mustered out of the service. I am of the opinion that a great injustice has been done Major Veil by this action. As a thoroughgoing, efficient officer he has no superior in Arizona. He passed through the rebellion and did good service, having by his gallantry alone

raised himself from the ranks. I have always found him a gentleman in all his social relations and possessed of excellent good habits.

I consider Major Veil an honor to his profession. For these reasons, if there is any action that can be taken to restore him to the Army, I think it but a simple act of justice that it should be done.

Respectfully, your obedient servant,

A. P. K. SAFFORD,
Governor.

Gov. R. C. McCORMICK, M. C., *Washington, D. C.*

NOTE.—Mr. R. C. McCormick was the Arizona Delegate to Congress at the date of the above letter.

CAMP McDOWELL, ARIZONA TERRITORY, *April 5, 1871.*

DEAR SIR: Since your departure from the post and from the service I have been intending to write you a short note for the purpose of thanking you for the assistance you have always so cheerfully rendered me while under my command, and also for the highly efficient manner in which you have performed the many and responsible duties which have fallen to your share. A constant press of work has heretofore hindered me from carrying out my intention, but I avail myself of the present opportunity to do so. It has been my fortune to meet you at long intervals of time and under widely varying circumstances, but the admiration I conceived for the gallantry and spirit of the boy, seven or eight years ago, has been confirmed and heightened by the sterling and honorable qualities of the man. I need hardly tell you that, as an officer of the Army and a comrade of the "old First," I regret your loss. You know that better than I can express it. But in regard to your future career you will allow me to wish you every success. I know it will be richly earned, and I think it will be sure.

I am, your friend,

GEO. B. SANFORD,
Captain, First United States Cavalry, Commanding Post.

Maj. C. H. VEIL.

In conclusion, your committee beg leave to state that they are of the opinion that the peremptory and summary discharge and muster out of service of Lieutenant Veil on February 19, 1871, under the act of July 15, 1870, without any previous transfer to the list of supernumeraries, and without any charges of unfitness for the service or otherwise being made or filed, was a great injustice to him, and, further, that in view of the exceptionally brilliant military record of this officer throughout the war of the rebellion and in the Indian campaigns subsequent to the war, rising from the ranks by his individual merit and gallantry in action, together with his unswerving devotion to the public service and the cause for which he fought, it is but an act of justice to right the wrong done him and to restore him to the rolls of the Army and place him upon the retired list.

From the foregoing peculiar and exceptional state of facts your committee feel justified in reporting the bill back favorably, with the recommendation that the same be passed with the following amendments:

Strike out all after the word "Army" in the ninth line; also, strike out the letter "a" and insert in place thereof the letter "e" in the name "Vail" in the title of the bill and also in the fifth line.

JOHN B. TREDENICK.

MAY 12, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. DAYTON, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 2645.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 2645) granting an honorable discharge to John B. Tredenick, having fully considered the same, recommend its passage with the following amendments:

In line 5 strike out the parentheses and word "apothecary" therein.

In lines 9 and 10 strike out the words "provided said service can be verified by the records of the Navy Department."

The service of Tredenick is set forth in the letter from the Secretary of the Navy, appended hereto as a part hereof. It is clearly shown that Tredenick was willing and anxious to discharge his duty under his enlistment, and repeatedly reported to proper authority even after the 30th of November, 1863, as of which date, under this bill, his discharge will bear date, and was at last informed that his services were no longer needed. The Department has no record of either discharge or desertion. His name seems simply to have been dropped. This was likely done amid the confusion of the war time. The fault was not Tredenick's, and he ought not to suffer therefrom.

NAVY DEPARTMENT,
Washington, January 15, 1897.

SIR: In compliance with your verbal request, I have the honor to inclose herewith a copy of the Department's letter addressed to the chairman of the Committee on Naval Affairs, House of Representatives, under date of February 5, 1896, in the case of John B. Tredenick, late surgeon's steward in the Navy.

Very respectfully,

W. MCADOO, *Acting Secretary.*

Hon. FRANCIS H. WILSON,
House of Representatives.

NAVY DEPARTMENT,
Washington, February 5, 1896.

SIR: Referring to your communication of the 16th ultimo, requesting to be furnished, for the use of the Committee on Naval Affairs in the consideration of the bill (H. R. 2222) "granting an honorable discharge to John B. Tredenick," with a copy

of the record of his service in the Navy, together with an expression of opinion by the Department as to the merits of the bill, I have the honor to state that it appears from an examination of the records in the case of Tredenick that he was appointed a surgeon's steward in the Navy August 27, 1863, at Philadelphia, Pa.; that his name is entered on the rolls of the U. S. S. *Philadelphia*, without accounts, September 3, 1863, and is borne on the rolls of that vessel to November 30, 1863, after which date no further record of his service in the Navy can be found.

In October, 1894, an application of John B. Tredenick for the issuance to him of a certificate of discharge under his appointment as surgeon's steward (apothecary) in the Navy was considered by the Department, but was declined on the 12th of that month on the ground that inasmuch as the records failed to show his final disposition or his whereabouts after November 30, 1863, the date upon which his naval service should be considered as having terminated could not be fixed.

While the Department sees no reason for special legislation in the case of John B. Tredenick, the question whether or not such relief should be granted to him would appear to be a matter for the determination of the Congress.

Very respectfully,

H. A. HERBERT, *Secretary.*

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

○

OLIVER CAESAR.

MAY 12, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. DAYTON, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 591.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 591) to correct the military record of Oliver Caesar, having fully considered the same, recommend its passage with the following amendments:

In line 9, strike out the words "an honorable" and insert the article "a," so that the reading will be, "grant him a discharge therefrom," etc.

Amend the title by striking out the word "military" and in lieu thereof insert the word "naval," so that it will read, "To correct the naval record of Oliver Caesar."

The facts in this case are as follows: Oliver Caesar enlisted in the Navy June 1, 1864, as a seaman, for three years; served on board the U. S. S. *Princeton* and *James Adger*, and is marked as a deserter from this latter vessel as of May 19, 1865. He again enlisted August 18, 1869, under the name of John Delitt; served on board the *Fortune*, *Lancaster*, *Portsmouth*, and *Vermont*, and was discharged January 22, 1872; reenlisted as John Delitt January 31, 1872; served on board the *Potomac*, *Powhatan*, *Potomac*, and *Frolic*, and was discharged July 2, 1872.

The charge of desertion entered against his name as of May 19, 1865, and which this bill will remove, your committee find was entered by substantially a misunderstanding and mistake. At the time Caesar was entitled to certain bounties. His ship, the *Adger*, was at Philadelphia for repairs. He received information that the bounties due him had been feloniously drawn by another person. His commanding officer had given him written permission to go to New York and remain long enough to adjust the matter of the bounties, and under such permission he went to New York, and with the aid of General Dix he succeeded, after a time, in securing his rights.

He immediately returned to Philadelphia and then found his ship had sailed for Aspinwall. The commanding officer who had given him the permission to go to New York had also been detached and a new commanding officer assigned. This latter officer, knowing nothing of the former's permission, marked Caesar as a deserter.

In addition to the other evidence furnished of Caesar's entire sincerity and good faith, the fact that he twice after enlisted is a pertinent one.

SWORD OF HONOR TO COMMODORE GEORGE DEWEY.

MAY 12, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BOUTELLE, of Maine, from the Committee on Naval Affairs,
submitted the following

REPORT.

[To accompany S. R. 163.]

The Committee on Naval Affairs, having had under consideration Senate resolution (S. R. 163) authorizing the Secretary of the Navy to present a sword of honor to Commodore George Dewey, and to cause to be struck bronze medals commemorating the battle of Manila Bay, and to distribute such medals to the officers and men of the ships of the Asiatic Squadron of the United States, report the same without amendment, and recommend that it do pass.

○

IMPROVEMENT OF PIERS IN THE HARBOR OF TWO RIVERS, WIS.

MAY 12, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. HOOKER, from the Committee on Rivers and Harbors, submitted the following

REPORT.

[To accompany H. Res. 184.]

The Committee on Rivers and Harbors, to whom was referred the House joint resolution (H. Res. 184) for the improvement of the piers in the harbor of Two Rivers, Wis., submit the following report:

It appears from the Report of the Chief of Engineers, United States Army, for the year 1897, part 1, page 399; part 4, page 2678, Appendix H H 11, that the "superstructure of the pile piers in the harbor at Two Rivers is in a dilapidated condition, being very much decayed; that the sheet piling to the pile piers is very imperfect, and does not prevent the passage of sand through the piers into the channel."

Late information from the mayor of Two Rivers shows that these piers are rapidly becoming more dilapidated, and that the sand is passing through them to such an extent that it will soon fill the channel, thus causing great damage to the harbor and corresponding expense to the Government; that in order to prevent further dilapidation of said piers, and the filling of the channel with sand, repairs should immediately be made upon said piers.

For these reasons this resolution is reported with the recommendation for its passage, with an amendment striking out all after the word "same," in line 9.



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JAMES E. TOLFREE.

MAY 12, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MINOR, from the Committee on Claims, submitted the following

REPORT.

[To accompany S. 1212.]

The Committee on Claims, to whom was referred the bill (S. 1212) for the relief of Paymaster James E. Tolfree, United States Navy, having considered the same, recommend its passage, and adopt as their report that previously submitted on a like bill, and appended herewith, by the Senate during the Fifty-first Congress.

[Senate Report No. 404, Fifty-first Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 2775) for the relief of Paymaster James E. Tolfree, U. S. Navy, having had the same under consideration, beg leave to submit the following report:

A bill of this same character and identical in its provisions was considered by this committee during the first session of the Forty-ninth Congress, and favorably reported to the Senate on June 3, 1886. The committee are still of the same opinion, and report the bill without amendment with the recommendation that it do pass, and append hereto and make part of this report the former report made on June 30, 1886.

The bill also passed the Senate in the Fiftieth Congress.

[Senate Report No. 1421, Forty-ninth Congress, first session.]

The Committee on Naval Affairs submit the following letter as the committee's report on Senate bill 2399:

U. S. FLAGSHIP TRENTON,
Yokohama, Japan, March 8, 1886.

SIR: In obedience to your order of the 5th instant we have the honor to report as follows: Paymaster James E. Tolfree having been ordered to join the *Trenton* at this place, and arriving several days before the *Trenton*, had taken up his quarters at the Windsor. Upon the arrival of the *Trenton*, on the afternoon of the 7th ultimo, Paymaster Tolfree reported for duty on board, but being unable to occupy his quarters, Paymaster Lyon not having been detached, he returned to the Windsor House. At a little past 4 on the morning of the 8th ultimo the Windsor House was discovered to be on fire. Paymaster Tolfree, upon awakening, found his room full of smoke

and lighted by flames from the fire, which was in an adjoining room. Hastily throwing on a few clothes, he rushed into the hotel corridor to arouse the inmates of the other rooms.

In ignorance of the extent of the fire, stopping to take nothing but two small hand-bags from his room, he tried to render what assistance he could to clear the hotel of guests, who were dazed by the smoke. After going downstairs he went to the trunk room, where most of his luggage was stored, and endeavored to drag therefrom a box containing books and blanks, the property of the United States, as well as the pay rolls, final returns, and other papers appertaining to his last quarterly accounts as paymaster of the U. S. R. S. *Vermont*. This box was too heavy for him to handle alone; he could obtain no assistance, and was finally driven by the flames to relinquish his attempt to save the property.

The flames were so rapid in their advance that there appears to have been little time to look to the saving of anything but human life. We learn that several of the inmates of the house barely escaped with their lives. That the contents of the box above mentioned were entirely destroyed there can be no doubt, and we are of the opinion that Paymaster Tolfree should be held free from blame for their loss, both as to their being at the hotel and as to his failure to save them from the flames.

The following is a list of the public property destroyed, so far as can be ascertained from Paymaster Tolfree:

One book containing fifty sets blank bills of exchange, with accompanying letters of advice, blanks, etc.

Pay officers' pay rolls, books, blanks, etc. Book containing complete set of Navy Department circulars, book of instructions, pay tables, naval registers, etc. Rough pay rolls, final returns, etc., appertaining to accounts of R. S. *Vermont* and U. S. S. *Dispatch*.

Paymaster Tolfree was accompanied by his clerk, Mr. Charles Blake, who had also reported for duty on board the *Trenton*, and who had under his charge a few books and pamphlets belonging to the United States, which were destroyed. The entire outfits of Paymaster Tolfree and Pay Clerk Blake for three years were stored at the hotel and were destroyed.

Very respectfully,

ASA WALKER,
Lieutenant, U. S. N.

WM. T. SWINBURNE,
Lieutenant, U. S. N.

THEO. B. M. MASON,
Lieutenant, U. S. N.

Rear-Admiral JOHN LEE DAVIS, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

Approved.

JOHN LEE DAVIS, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

U. S. FLAGSHIP TRENTON (2d rate),
Yokohama, Japan, March 3, 1886.

SIR: I have the honor to inform you that after having, in obedience to orders from the Navy Department, reported to you for duty on the arrival of the *Trenton* from Nagasaki Sunday afternoon, February 7, 1886, I returned for the night to the Windsor House, where my luggage was stored, there being no quarters for me on board until Paymaster Lyon could transfer accounts.

That night, a few minutes after 4 o'clock, the hotel was found to be on fire. The wind was blowing in such a way at the time as to cause the flames to speedily envelop the building, leaving the occupants only opportunity to escape and giving them little chance to save property.

The hotel building was completely obliterated and, in addition to losing my entire outfit provided for a three years' cruise, I had the misfortune to lose a quantity of Government books and blanks, including one book containing fifty sets blank bills of exchange intended for use on this station, besides the pay rolls, final returns, etc., appertaining to my last quarterly accounts of the U. S. R. S. *Vermont*.

The above-mentioned books, blanks, returns, etc., were packed together in one large chest, which I endeavored to drag out of the burning building but, from its weight, was unable to do so.

Accompanying me in the hotel was Charles Blake, pay clerk, U. S. Navy, who had reported with me for duty the day before, and who also lost his entire outfit, saving only the one suit in which he escaped from the building.

In view of these facts I deem it my duty to ask that proper steps may be taken to

relieve me from the responsibility for these serious losses, and also to account for my being out of the ship after having reported for duty under your command.

I am, sir, respectfully, your obedient servant,

JAMES E. TOLFREE,
Paymaster, U. S. Navy.

Rear-Admiral JOHN LEE DAVIS, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

PAYMASTER'S OFFICE, U. S. FLAGSHIP TRENTON (2d rate),
Yokohama, Japan, March 11, 1886.

A list of uniform equipment, clothing, and outfit for three years' cruise belonging to James E. Tolfree, paymaster, United States Navy, and consumed in the burning of the Windsor Hotel, at Yokohama, Japan, on the night of February 7, 1886, at about 4 o'clock a. m.

1 cocked hat (Starkey's).....	\$35.00
2 caps	14.00
1 helmet	5.00
1 straw hat	3.00
1 heavy overcoat, uniform.....	65.00
1 light coat, uniform	50.00
1 waterproof coat	25.00
1 frock coat, uniform.....	85.00
2 vests, uniform.....	18.00
3 pants, uniform	45.00
2 blue cloth blouses.....	90.00
2 blue flannel blouses.....	50.00
2 blue flannel pants	18.00
3 suits white flannel	90.00
6 suits white duck	180.00
1 full-dress coat, uniform.....	125.00
1 full-dress pants, uniform	25.00
1 pair epaulets (Starkey's).....	80.00
1 pair epaulets, second best.....	50.00
1 full-dress belt (Starkey's)	16.00
1 sword.....	25.00
1 sword knot.....	8.00
1 social-intercourse coat.....	80.00
1 social-intercourse vest.....	15.00
1 dozen pairs white gloves	12.00
1 dozen black ties.....	6.00
1 dozen pair black silk stockings	24.00
7 pairs sheets	21.00
10 pillowcases	10.00
1 pair blankets	10.00
1 eider-down quilt (silk).....	60.00
7 dozen towels.....	105.00
2 dozen napkins	36.00
1 Prince Albert coat, vest and pants.....	120.00
1 cutaway coat, vest and pants	110.00
1 business coat, vest and pants.....	90.00
1 thin coat, vest and pants.....	85.00
1 blue flannel coat, vest and pants	60.00
1 evening coat, vest and pants (dress)	120.00
6 white vests	30.00
3 dozen white ties.....	7.50
1 white cloth driving coat.....	85.00
1 dark-green body overcoat.....	110.00
1 diagonal spring overcoat	105.00
1 silk hat (Dunlap)	8.00
1 pot hat (Knox).....	6.00
1 sole-leather hat box	15.00
5 dozen white shirts.....	210.00
4 suits underclothing (heavy)	36.00
4 suits underclothing (thin)	24.00
4 suits underclothing (summer)	20.00
1 sack coat, vest and pants.....	75.00
5 dozen handkerchiefs.....	60.00

$\frac{1}{2}$ dozen silk neckties	\$9.00
1 heavy silk neckcloth	9.00
10 pairs shoes	120.00
1 pair boots (heavy)	15.00
2 pairs overshoes	3.00
2 dozen pairs dogskin gloves	24.00
5 dozen socks	60.00
5 pairs suspenders	7.50
1 sole-leather trunk	45.00
5 trunks	75.00
1 alligator-skin sack	22.00
1 Gladstone bag	25.00
1 aluminum field glass	80.00
1 banjo (nickel plated)	55.00
1 revolver (pearl handle, silver mounted)	35.00
1 pair rapiers	45.00
1 toilet mirror (beveled edge, mounted in silver)	15.00
1 cologne bottle (silver mounted, cut glass)	25.00
1 breech-loading 12-bore bird gun, case, and fittings	150.00
1 sole-leather cartridge case	25.00
1 pair diamond sleeve buttons	150.00
1 diamond scarf pin (horseshoe)	150.00
1 set studs and buttons	45.00
1 cameo scarf pin	35.00
1 antique scarf pin	28.00
2 umbrellas (Martin's)	20.00
3 walking sticks (silver mounted)	30.00
2 dozen eyeglasses	72.00
1 dressing case	50.00
1 ivory shoe and button hook combined (silver mounted)	15.00
1 driving whip (jointed)	15.00
1 billiard cue (jointed)	10.00
1 lawn-tennis racket	7.00
2 lawn-tennis suits	28.00
1 lawn-tennis hat	3.50
2 pairs lawn-tennis shoes	10.00
1 set Shakespeare, bound in russia, 13 volumes	25.00
1 volume Shakespeare	10.00
1 McCauley Works, complete	60.00
25 volumes French books	25.00
1 French dictionary	7.50
1 Italian dictionary	4.50
An assortment of standard books and poems	50.00
Total amount	4,552.50

I hereby solemnly swear the foregoing statement is, to the best of my knowledge, correct and true.

JAMES E. TOLFREE,
Paymaster, U. S. N.

Sworn to and subscribed before me this 24th day of May, 1887.

[SEAL.]

G. H. SCIDMORE,
United States Vice-Consul-General, Kanagawa, Japan.

NAVY DEPARTMENT, OFFICE JUDGE-ADVOCATE-GENERAL,
Washington, June 19, 1890.

DEAR SIR: I received your letter of the 16th instant, relating to Senate bills Nos. 2775 and 2776, for the relief of Paymaster James E. Tolfree and Pay Clerk Charles Blake, U. S. N., on account of the loss of their personal effects by fire in a hotel at Yokohama, Japan, in February, 1886, now under consideration in the House of Representatives, and requesting copies of the schedules supposed to have been filed in this Department showing the extent of the losses so incurred.

In reply I have the honor to state that I have caused an examination to be made of the Department files, and also of those in the office of the Fourth Auditor, for the information required, but without success. Upon reference to the Department's letter of June 4, 1886, to the chairman of the Senate Committee on Naval Affairs con-

cerning the loss of the public and private property in charge of the above-named officers at the time mentioned, I find that it was therein stated that no schedules of their private property had been received. It would appear, therefore, that the schedules, or statements, of the value of the articles of private property lost were furnished the committee by the claimants themselves when the original bills for their relief were prepared.

I have written to Paymaster Tolfree, who was an old mess mate of mine, informing him of your request and suggesting that he send to you such information as he may be able to furnish in the matter.

Very truly, yours,

WM. B. REMEY,
Judge-Advocate-General.

Hon. EUGENE HALE, *United States Senate.*

O

CHARLES BLAKE.

MAY 12, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MINOR, from the Committee on Claims, submitted the following
REPORT.

[To accompany S. 1213.]

The Committee on Claims, to whom was referred the bill (S. 1213) for the relief of Pay Clerk Charles Blake, United States Navy, having had the same under consideration, recommend its passage, adopting as their report that previously submitted on a similar bill by the Senate during the Fifty-first Congress, and herewith appended.

[Senate Report No. 403, Fifty-first Congress, first session.]

The Committee on Naval Affairs, to whom was referred the bill (S. 2776) for the relief of Pay Clerk Charles Blake, U. S. Navy, having had the same under consideration, beg leave to submit the following report:

A bill of this same character and identical in its provisions was considered by this committee during the first session of the Fiftieth Congress, and favorably reported to the Senate and there passed. The committee is still of the same opinion and report the bill without amendment, with the recommendation that it do pass, and append hereto and make part of this report the former report, which comes down from the Forty-ninth Congress.

[Senate Report No. 1420, Forty-ninth Congress, first session.]

The Committee on Naval Affairs present the following letters as their report on Senate bill No. 2400:

U. S. FLAGSHIP TRENTON (2d rate),
Yokohama, Japan, March 3, 1886.

SIR: I have the honor to inform you that after having, in obedience to orders from the Navy Department, reported to you for duty on the arrival of the *Trenton* from Nagasaki Sunday afternoon, February 7, 1886, I returned for the night to the Windsor House, where my luggage was stored, there being no quarters for me on board until Paymaster Lyon could transfer accounts.

That night, a few minutes after 4 o'clock, the hotel was found to be on fire. The wind was blowing in such a way at the time as to cause the flames to speedily envelop the building, leaving the occupants only opportunity to escape, and giving them little chance to save property.

The hotel building was completely obliterated, and in addition to losing my entire outfit, provided for a three years' cruise, I had the misfortune to lose a quantity of

Government books and blanks, including one book containing fifty sets blank bills of exchange intended for use on this station, besides the pay rolls, final returns, etc., appertaining to my last quarterly accounts of the U. S. R. S. *Vermont*.

The above-mentioned books, blanks, returns, etc., were packed together in one large chest, which I endeavored to drag out of the burning building, but, from its weight, was unable to do so.

Accompanying me in the hotel was Charles Blake, pay clerk, U. S. N., who had reported with me for duty the day before, and who also lost his entire outfit, saving only the one suit in which he escaped from the building.

In view of these facts I deem it my duty to ask that proper steps may be taken to relieve me from responsibility for these serious losses, and also to account for my being out of the ship, after having reported for duty under your command.

I am, sir, respectfully, your obedient servant,

JAMES E. TOLFREE,
Paymaster, U. S. N.

Rear-Admiral JOHN LEE DAVIS, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

U. S. FLAGSHIP TRENTON,
Yokohama, Japan, March 8, 1886.

SIR: In obedience to your order of the 5th instant we have the honor to report as follows: Paymaster James E. Tolfree, having been ordered to join the *Trenton* at this place, and arriving several days before the *Trenton*, had taken up his quarters at the Windsor. Upon the arrival of the *Trenton*, on the afternoon of the 7th ultimo, Paymaster Tolfree reported for duty on board, but being unable to occupy his quarters, Paymaster Lyon not having been detached, he returned to the Windsor House. At a little past four on the morning of the 8th ultimo the Windsor House was discovered to be on fire. Paymaster Tolfree, upon awakening, found his room full of smoke, and lighted by flames from the fire, which was in an adjoining room. Hastily throwing on a few clothes he rushed into the hotel corridor to arouse the inmates of the other rooms.

In ignorance of the extent of the fire, stopping to take nothing but two small hand bags from his room, he tried to render what assistance he could to clear the hotel of guests, who were dazed by the smoke. After going downstairs he went to the trunk room, where most of his luggage was stored, and endeavored to drag therefrom a box containing books and blanks, the property of the United States, as well as the pay rolls, final returns, and other papers appertaining to his last quarterly accounts as paymaster of the U. S. R. S. *Vermont*. This box was too heavy for him to handle alone; he could obtain no assistance, and was finally driven by the flames to relinquish his attempt to save the property.

The flames were so rapid in their advance that there appears to have been little time to look to the saving of anything but human life. We learn that several of the inmates of the house barely escaped with their lives. That the contents of the box above mentioned were entirely destroyed there can be no doubt, and we are of the opinion that Paymaster Tolfree should be held free from blame for their loss, both as to their being at the hotel and as to his failure to save them from the flames.

The following is a list of the public property destroyed, so far as can be ascertained from Paymaster Tolfree:

One book containing fifty sets blank bills of exchange, with accompanying letters of advice, blanks, etc. Pay officers' pay rolls, books, blanks, etc. Book containing complete set of Navy Department circulars, book of instructions, pay tables, naval registers, etc. Rough pay rolls, final returns, etc., appertaining to accounts of receiving ship *Vermont* and U. S. S. *Dispatch*.

Paymaster Tolfree was accompanied by his clerk, Mr. Charles Blake, who had also reported for duty on board the *Trenton*, and who had under his charge a few books and pamphlets belonging to the United States, which were destroyed. The entire outfits of Paymaster Tolfree and Pay Clerk Blake, for three years, were stored at the hotel and were destroyed.

ASA WALKER,
Lieutenant, U. S. N.
WM. T. SWINBURNE,
Lieutenant, U. S. N.
THEO. B. M. MASON,
Lieutenant, U. S. N.

Rear-Admiral JOHN LEE DAVIS, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

Approved.

JOHN LEE DAVIS, U. S. N.,
Commanding U. S. Naval Force on Asiatic Station.

NAVY DEPARTMENT,
Washington, June 4, 1886.

SIR: I have the honor to acknowledge the receipt of your communication of the 2d instant, referring to bills which have been introduced in the Senate providing compensation to Paymaster James E. Tolfree and Pay Clerk Charles Blake, U. S. Navy, for the loss of their private property, and for relieving them of responsibility for the loss of Government property in their care, by the burning of the Windsor Hotel, at Yokohama, Japan, on the 8th of February last, and requesting to be informed if schedules of the property so lost have been received at this Department, and whether or not the officers mentioned will be held accountable for the Government property destroyed at that time.

In reply I have to state that the only information the Department has received as to the public or private property lost at the time referred to is contained in a letter from Paymaster Tolfree to Rear-Admiral J. L. Davis, commanding the Asiatic Station, reporting the destruction of the hotel above mentioned, and in the report of the board of officers ordered by Rear-Admiral Davis to investigate and report the facts in the case. Copies of the letter and report referred to, herewith transmitted, will afford the committee information as to the quantity and description of Government property lost by the burning of the hotel, and as to the fact that Paymaster Tolfree and Pay Clerk Blake sustained a loss of their entire outfit for a three-years' cruise. No schedules of the private property of these officers have been filed in the Department, and no estimate of its value can therefore be made.

As it appears from the report of the board referred to that Paymaster Tolfree and his clerk, being unable to obtain quarters on board the U. S. S. *Trenton*, to which they had been ordered, were stopping temporarily at the hotel in Yokohama, where they had stored the public property in their charge, consisting of books and blanks for use in the pay department of the ship; that all possible effort was made by them to save the property in question, and that no blame was attributed to them for the loss of the same, the Department will not, under the circumstances, hold these officers accountable for the money value of the Government property which is reported by the board to have been unavoidably destroyed.

Very respectfully,

W. C. WHITNEY,
Secretary of the Navy.

Hon. J. D. CAMERON,
Chairman Committee on Naval Affairs, United States Senate.

Uniforms of naval officers required by the regulations of the Department.

Special full-dress coat	\$65.00
Full-dress coat	60.00
Frock coat	55.00
Service coat	38.00
Overcoat	50.00
Full-dress trousers	25.00
Full-dress vest	8.00
Undress trousers	15.00
Undress vests	8.00
Service trousers	12.00
Service vest	8.00
White blouses	20.00
Six white vests	30.00
Six white trousers	42.00
Twelve white shirts	24.00
Six undershirts	12.00
Six pairs drawers	12.00
Rubber suit	16.00
Epaulets	50.00
Chapeau	20.00
Full-dress belt	12.00
Undress belt	5.00
Swords	15.00
Gloves (per dozen)	4.00
Tin case for chapeau	3.50
Straps	6.00
Helmet	5.00
Cap	7.50
Epaulet embroidery	5.00

Collar ornaments	\$5.00
Laces, starkey (one-half inch)	5.25
Boots, shoes, and stockings	30.00
Blankets, sheets, spreads, pillow-cases, etc.	20.00
Provisions and mess gear (to each officer)	40.00
Total	733.25

The officers must also be supplied with citizens, dress, including hats, boots, underwear, etc.; also the officers have professional and other books, trunks, watches, etc.; indeed the ship is their home. The wreck of the *Tallapoosa* occurred at 11 o'clock at night, after most of the officers and men had turned in. She sunk in less than fifteen minutes after being struck, and hardly anything on board was saved. It was all the men could do to save their lives; as it was, three were drowned.

The uniforms of officers of the Navy, of different ranks, are designated in the difference in the width of the gold lace, the number of stripes, and ornaments.



IMPROVEMENT OF SAN JOAQUIN RIVER, CALIFORNIA.

MAY 12, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HOOKER, from the Committee on Rivers and Harbors, submitted the following

REPORT.

[To accompany H. Res. No. 221.]

The Committee on Rivers and Harbors, having had under consideration the joint resolution (H. Res. 221) for the improvement of the San Joaquin River and Stockton and Mormon channels, California, respectfully report as follows:

There is at present already appropriated to the credit of said waterways the sum of approximately \$48,000. By reason of the fact that the existing law specifies a particular application of said fund, no part thereof is applicable to general needed improvements of said waterways and is not immediately necessary for said specified purposes. By reason of a great drought prevailing in the State of California it is imperatively necessary that said fund be made available, as provided in this resolution, in order that the great commerce of said waters, amounting to 2,500 tons of freight and 400 passengers per day, may not be materially impeded, if not entirely destroyed.

This resolution is approved by the Chief of Engineers of the War Department, and your committee respectfully recommend that it do pass.

BENJAMIN F. JONES.

MAY 12, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SULLIVAN, from the Committee on Claims, submitted the following

REPORT.

[To accompany H. R. 5715.]

The Committee on Claims, to whom was referred the bill (H. R. 5715) for relief of Benjamin F. Jones, having had the same under consideration, beg leave to report it back to the House with recommendation that it do pass.

The facts are as follows:

It appears that Benjamin F. Jones was postmaster at Beauregard, Miss., on the 22d day of April, 1883. That on that date the town was destroyed by a cyclone, and every building in the town swept away, including the post-office building. That there was a loss of money and property belonging to the Government caused by the cyclone. It further appears that the Illinois Central Railroad, carrying the mail along the line of its road past Beauregard, ceased to deposit it at Beauregard after the cyclone had swept the town away, but put the mail off at Wesson, Miss., a point some distance beyond, and that the postmaster at Beauregard, B. F. Jones, at his own expense transported the mails from Wesson to Beauregard, and there distributed them, at a cost of \$97, actually expended, and that the Post-Office Department has not allowed this sum, for the reason only that it did not have authority.

The claim appears to be just. The service was eminently proper, and we recommend that the sum of \$97 be paid to the said B. F. Jones.

FREE PUBLIC HIGHWAYS INTO THE YOSEMITE
NATIONAL PARK.

MAY 13, 1898.—Committed to the Committee of the Whole House on the state of
the Union and ordered to be printed.

Mr. DE VRIES, from the Committee on the Public Lands, submitted
the following

REPORT.

[To accompany S. 3675.]

The Committee on the Public Lands, to whom was referred the bill (S. 3675) to examine, determine, and report the facts necessary to the establishment of free public highways into the Yosemite National Park, and appropriating money therefor, beg leave to submit the following report:

This bill is identical in terms with H. R. 7872, previously favorably reported by this committee to the House of Representatives, and the committee, therefore, adopt the aforesaid report and recommend that the bill do pass.



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CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY
COMPANY.

MAY 13, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. UPDEGRAFF, from the Committee on the Judiciary, submitted the
following

REPORT.

[To accompany H. Res. 262.]

The Committee on the Judiciary, to whom was referred joint resolution No. 262, hereto attached, in reference to authorizing and directing the Secretary of the Treasury to honor, allow, and pay the requisition of the Secretary of the Interior ordering the return to the Chicago, Milwaukee and St. Paul Railway Company of \$15,335.76 paid or deposited by said company for right of way, etc., never received by said company, said money now in the Treasury of the United States, beg leave to submit the following report:

We find the facts to be that the Chicago, Milwaukee and St. Paul Railway Company, by and through Gen. John Lawler, in 1880 made three several agreements with the Sioux Indians in Dakota Territory for the right of way and depot grounds through their reservation to the Black Hills, authority having previously been given to said company to enter upon negotiation for said right of way, etc.

We find that these agreements were approved by the Secretary of the Interior, and approved with the understanding, both by the Secretary and the railroad company, and also the Indians, that under a prior treaty—made in 1876—the Secretary had authority to approve said agreements for right of way, etc., without the intervention of Congress.

The railway company at that time was ready and desirous of occupying said right of way and building the road.

We find that with this understanding stated in writing by the Secretary directed to the company, Samuel J. Kirkwood, the Secretary of the Interior, accepted from said company, in 1881 and 1882, \$15,335.76. After he approved the agreement and accepted the money, that it was found by the Interior Department that the Secretary did not have the authority to grant the rights and privileges to the company provided for in said agreements by his approval thereof, and that said agreements would have to be sent to Congress for ratification and the company was not permitted to enter and occupy the right of way, etc., as

stated and agreed, or any part thereof, and that pending Congressional action on said agreements the money was deposited in the Treasury of the United States. For all of which see Senate Ex. Doc. No. 20, Forty-eighth Congress, first session, copy hereto attached, marked "Exhibit A," and made part hereof.

We find that the Chicago, Milwaukee and St. Paul Railway Company made application to the Secretary of the Interior for the return of the money so paid, and that after a full trial and hearing of the case the Secretary of the Interior, on March 3, 1898, rendered a decision thereon, reciting the history of the case, and decided that the Government had no right to longer retain in its possession the money, \$15,335.76, so deposited or paid by the Chicago, Milwaukee and St. Paul Railway Company, and ordered that an account be stated for the amount and the requisition therefor sent to the Treasury for payment, which was done, which account or requisition the Auditor for the Treasury Department has refused to honor or pay, assigning as a reason therefor that the money having been covered into the Treasury no authority exists for its return without direction therefor from Congress.

The full opinion of the Secretary of the Interior being hereto attached, together with order for the stating of the account, marked "Exhibit B," and made part hereof.

We find that the money having been paid to the Secretary and received by him under a misapprehension, and there never having been any consideration whatever received by the said railway company, that it is proper and right the money should be returned; and we therefore report the joint resolution back with the recommendation that it do pass.

EXHIBIT A.

[Senate Ex. Doc. No. 20, Forty-eighth Congress, first session.]

Message from the President of the United States, transmitting a communication from the Secretary of the Interior of 4th instant, submitting draft of bill "to accept and ratify certain agreements made with the Sioux Indians and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux Reservation in Dakota."

[December 19, 1883.—Read and referred to the Committee on Indian Affairs and ordered to be printed.]

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of the Interior of the 4th instant, submitting, with accompanying papers, draft of a bill "to accept and ratify certain agreements made with the Sioux Indians and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux Reservation in Dakota."

The matter is presented for the consideration of the Congress.

CHESTER A. ARTHUR.

EXECUTIVE MANSION,
December 17, 1883.

DEPARTMENT OF THE INTERIOR,
Washington, December 4, 1883.

SIR: I have the honor to submit, herewith, for your consideration, a communication of the 26th November, 1883, from the Commissioner of Indian Affairs, and accompanying draft of bill therein noted for the ratification of four several agreements with the Sioux Indians in Dakota, granting to the Chicago, Milwaukee and Saint Paul Railway Company the right of way across their lands and the right of occupying certain land for railway purposes, as therein set forth, namely: Two agreements made November 2, 1880, one made November 10, 1880, and one made November 13, 1880, all approved by Mr. Secretary Schurz, January 3, 1881.

These agreements have not, however, been ratified by Congress. As such action is considered necessary, I respectfully recommend that the matter be presented for the favorable consideration of that body.

I have the honor to be, very respectfully, your obedient servant,

H. M. TELLER, *Secretary.*

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, November 26, 1883.

SIR: Referring to Department letter of March 9, 1882, wherein, in reply to the question submitted in office letter of March 1, 1882, viz, Whether or not the Dakota Central Railway Company and the Chicago, Milwaukee and Saint Paul Railway Company, which had severally acquired a right of way through the Sioux Indian Reservation, in Dakota, were to be considered as having done so under the stipulations of the third article of the agreement with the Sioux Indians of September 26, 1876, ratified by act of Congress approved February 28, 1877 (19 Stat., 255), in reference to the construction of roads through said reservation, it was held that when the three wagon roads indicated in General Orders, No. 3, Headquarters Military Division of the Missouri, April 5, 1877, were located, the rights under said agreement were exhausted, and that agreements of later date made with the railway companies should be presented for ratification by Congress; also to Department letter to this office of 10th March last to the effect that "in all cases where right of way for railroads through Indian reservations is not provided for by treaties or agreements by the United States with the Indians, Congressional action is necessary to ratify agreements by railway companies with the Indians for such right of way," &c., and directing that the necessary papers be prepared for submitting the agreements as made by the said railway companies with the Sioux Indians to Congress at its next session for action, I have the honor to report, so far as the Chicago, Milwaukee and Saint Paul Railway Company is concerned, as follows: The agreements entered into by this company with the Sioux Indians, under the direction and with the approval of the Department, are four in number, viz:

No. 1. Agreement dated November 2, 1880, made between the chiefs, headmen, and heads of families of a majority of the Two Kettle, Sans Arc, Minneconjou, and Blackfeet Sioux Indians (Cheyenne River Agency), Lower Yanktonnais, Sioux Indians (Crow Creek Agency), Lower Brule Sioux Indians (Lower Brule Agency); Ogallalla Sioux Indians (Pine Ridge Agency), Brule, Loafer, Wahzahzah, Minneconjou, and mixed Sioux Indians (Rosebud Agency), and Upper Yanktonnais, Lower Yanktonnais, Uncapapa, and Blackfeet Sioux Indians (Standing Rock Agency), severally occupying the Sioux Indian Reservation, Territory of Dakota, parties of the first part, and the Chicago, Milwaukee and Saint Paul Railway Company, party of the second part, grants to said company:

1st. The right to hold and occupy not less than 1,000 acres of land at the eastern terminus of said railway company, on the west bank of the Missouri, at or near the mouth of American Crow Creek, Dakota Territory, for freight and passenger depots, &c., to be occupied under such regulations as the Secretary of the Interior may prescribe, and to be located as soon as surveys can be made.

2d. The right to construct, operate, and maintain a line of railway commencing at a point on the west bank of the Missouri, at or near the mouth of American Crow Creek, running in a westerly direction through the reserve; also the right to occupy and hold a strip of land not exceeding 200 feet in width, extending the entire length of said line across the reserve.

3d. The right to occupy and hold along the line of road, exclusively for railway purposes, not exceeding 160 acres of land at any one point.

4th. The right to open and use a wagon road upon the line of said railway, with the privilege of connecting the same with the Black Hills wagon road intersecting or near said railway.

Consideration to be paid by the railway company as follows:

(a) In respect of the 1,000 acres west of the Missouri, \$5 per acre, prior to commencement of construction of the road.

(b) For right of way, at the rate of \$110 per mile—one-half to be paid prior to construction, the residue after completion of 100 miles of road.

(c) For station lands, \$4 per acre, payment to be made at such time and in such manner as the Secretary of the Interior may direct.

The above-mentioned agreement is signed by the chiefs, headmen, and heads of a majority of families of the Ogallalla Sioux Indians (Pine Ridge Agency), Brule, Loafer, Wahzahzah, Minneconjou, and mixed Sioux (Rosebud Agency), Lower Yanktonnais Sioux (Crow Creek Agency), Lower Brule Sioux (Lower Brule Agency), and Two Kettle, Sans Arc, Minneconjou, and Blackfeet Sioux (Cheyenne River Agency).

4 CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

No. 2. Similar agreement of same date and between the same parties signed by the chiefs, headmen, and heads of a majority of families of the Upper and Lower Yanktonnais, Uncapapa, and Blackfeet Sioux (Standing Rock Agency).

No. 3. Supplemental agreement dated November 10, 1880, by which the Chicago, Milwaukee and Saint Paul Railway Company agree to pay to individual Lower Brule Sioux Indians the value of their improvements on the lands west of the Missouri River at or near the mouth of American Crow Creek, to be selected under said agreement of November 2, 1880.

No. 4. Agreement dated November 13, 1880, between the chiefs, headmen, and heads of families of a majority of Lower Yanktonnais Sioux Indians at Crow Creek Agency, Dakota Territory, and Spotted Tail and White Thunder, chief of the Brule, Loafer, Wahzazah, Minneconjou, and mixed Sioux Indians, severally occupying the Sioux Indian Reservation in the Territory of Dakota, parties of the first part, and the Chicago, Milwaukee and Saint Paul Railway Company of the second part, grants to said company:

1. The right to hold and occupy not less than ——— acres of land at the western terminus of said railway on the eastern bank of the Missouri River at or near the mouth of American Creek, for freight and passenger depots, &c., to be occupied under such regulations as the Secretary of the Interior may prescribe, and to be definitely located as soon as surveys can be made.

2. The right to construct, operate, and maintain a line of railway over and across the Crow Creek Reserve on the east side of the Missouri, running in a westerly direction; also the right to occupy and hold for railway purposes a strip of land not exceeding 200 feet in width over and across said reserve, consideration to be paid by the railway company as follows:

(a) In respect of land to be selected on the eastern bank of the Missouri River for freight and passenger depots, &c., \$5 per acre.

(b) For right of way, \$4 per acre prior to construction of the road. Payment to be made in such manner as the Secretary of the Interior may direct.

Said agreements of November 2, 10, and 13, 1880, were severally approved, as executed, by the Secretary of the Interior, January 3, 1881, except as to the agreement of November 13 with the Crow Creek Indians, which was modified by indorsement limiting the land to be selected at the western terminus on the east bank of the river for freight and passenger depots to 200 acres, and to 160 acres for station grounds at points east of said terminus.

On the same date the Secretary of the Interior approved the maps of preliminary survey of the road as projected from Brule Agency westward through the Sioux Reserve.

By memorandum in writing, dated January 5, 1881, the Chicago, Milwaukee and Saint Paul Railway Company waived and relinquished the right to occupy more than 640 acres of the 1,000 acres of land west of the Missouri River granted by the agreement of November 2, 1880.

On the 18th January, 1881, said railway company filed in the Department a bond in the sum of \$30,000, for the faithful performance of said agreements, and in other respects, for protection of the Indians, which was approved by the Secretary of the Interior January 20, 1881.

On the 25th November, 1881, said railway company filed in the Department a plat of the 640 acres west of the Missouri River, selected under the agreement of November 2, 1880; also a plat of 188 acres on the Crow Creek Reserve east of the river, selected under the agreement of November 13, 1880; also a map of the line of road as constructed upon the Crow Creek Reserve under the terms of said last-mentioned agreement. Said maps were severally approved by you on the 6th October, 1882.

Under said agreements the Chicago, Milwaukee and Saint Paul Railway Company has made the following payments to the Department for the use of the Sioux Indians, viz:

October 8, 1881, for section, 640 acres, west of Missouri River, at \$5 per acre.	\$3, 200. 00
For 10 stations, 20 acres each, 200 acres, west of river, at \$4 per acre.....	800. 00
For 90 $\frac{1}{10}$ miles (half length) of track west of river, at \$110 per mile.....	9, 911. 00

13, 911. 00

October 13, 1882, for 121.19 acres right of way through Crow Creek Reserve, at \$4 per acre.....	\$484. 76
For 188 acres depot grounds at Chamberlain, east of Missouri, at \$5 per acre.....	940. 00
	1, 424. 76

Total amount paid..... 15, 335. 76

which amount has been deposited in the Treasury, pending Congressional action on said agreements.

Under the provisions of the supplemental agreement of November 10, 1880 (No 3),

the improvements of the Lower Brule Indians on the 640-acre tract west of the Missouri have been appraised at the total sum of \$1,743.50. This amount, I understand, the Chicago, Milwaukee and Saint Paul Railway Company is ready to pay at any time upon approval of said agreement and appraisal.

In accordance with the instructions contained in Department letter of the 10th March last, I now have the honor to submit the draft of a bill to accept and ratify said several agreements, as made, for transmission to Congress, for its consideration and action.

Full copies of the several agreements are set out in the bill.

Very respectfully, your obedient servant,

H. PRICE, *Commissioner.*

The Hon. SECRETARY OF THE INTERIOR.

A BILL to accept and ratify certain agreements made with the Sioux Indians, and to grant a right of way to the Chicago, Milwaukee and Saint Paul Railway Company through the Sioux Reservation in Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That four certain agreements now on file in the Department of the Interior bearing date, respectively, the second, tenth, and thirteenth days of November, eighteen hundred and eighty, made between the several tribes and bands of Sioux Indians occupying the Great Sioux Reservation in the Territory of Dakota, acting under the supervision and by and with the approval of the Secretary of the Interior, of the one part, and the Chicago, Milwaukee and Saint Paul Railway Company, a corporation organized under the laws of the State of Wisconsin, of the other part, be, and the same are hereby, ratified and confirmed; and that a right of way through said reservation, not exceeding two hundred feet in width, with the use and occupancy of grounds adjacent thereto for depots, stations, machine shops, and so forth, as mentioned in said agreements, and according to the plans of route and survey already or hereafter to be filed and approved in the Department of the Interior, be, and the same are hereby, granted to the said Chicago, Milwaukee and Saint Paul Railway Company, its successors and assigns. Said agreements are respectively in the words and figures following, that is to say:

"Articles of agreement made and entered into this 2d day of November, 1880, between the undersigned chiefs, headmen, and heads of families of a majority of the Two Kettle, Sans Arc, Minneconjou, and Blackfeet Sioux Indians (Cheyenne River Agency); Lower Yanktonnais Sioux Indians (Crow Creek Agency); Lower Brule Sioux Indians (Lower Brule Agency); Ogallalla Sioux Indians (Pine Ridge Agency); Brule, Loafer, Wahzahzah, Minneconjou and mixed Sioux Indians (Rosebud Agency), and Upper Yanktonnais, Lower Yanktonnais, Uncapapa, and Blackfeet Sioux Indians (Standing Rock Agency), severally occupying the Sioux Indian Reservation in the Territory of Dakota, parties of the first part, and the Chicago, Milwaukee and Saint Paul Railway Company of Milwaukee, in the State of Wisconsin, party of the second part, its successors and assigns, witnesseth:

"That said tribes of Sioux Indians do hereby grant the said railway company, its successors and assigns, the right to hold and occupy not less than one thousand acres of land as the eastern terminus of said railway company on the western bank of the Missouri River at or near the mouth of American Crow Creek, in said Territory, for freight and passenger depots, warehouses, machine shops and foundries, steamboat and ferry landings, for all other railway purposes, for the residence of its employes, and for no other purposes, and to be occupied under such regulations as the Secretary of the Interior may prescribe for the protection of the Indians; said one thousand acres to be definitely located by said railway company as soon as the necessary surveys have been made to determine the point at which the road of said company shall strike the Missouri River. In consideration whereof the said company, party of the second part, doth hereby for itself, its successors and assigns, covenant and agree that it will, prior to the commencement of the construction of its said road through the Territory above named, pay or cause to be paid to the United States or its regularly authorized agent or agents, for the sole use and benefit of the said Indians, parties of the first part, the sum of five dollars per acre for the lands located on the Missouri River, as hereinbefore described, to be paid at such places, at such times, and in such manner as the honorable the Secretary of the Interior may hereafter direct; it is further agreed that, for the consideration hereinafter mentioned, the said Indians, parties of the first part, do hereby consent and agree that the said company, party of the second part, its successors and assigns, shall have the free and undisturbed right to locate, construct, operate, and maintain its line of railway, commencing at a point on the west bank of the Missouri River at or near the mouth of American Crow Creek, running in a westerly direction on the line surveyed and located by the Chicago, Milwaukee and Saint Paul Railway Company over and across the Great Sioux Indian Reservation in Dakota Territory; and the

right is hereby granted to occupy and hold for the use of the said railway company, its successors and assigns, a strip of land not exceeding two hundred feet in width extending the entire length of said line of railway over and across the Great Sioux Indian Reservation in said Territory of Dakota. In consideration whereof the said railway company, party of the second part, doth hereby, for itself, its successors and assigns, covenant and agree that it will, prior to the commencement of the construction of its said road through the Territory above named, pay, or cause to be paid, to the United States or its regularly authorized agent or agents, for the sole use and benefit of the said Indians, parties of the first part, the sum of one hundred and ten dollars per mile, not exceeding two hundred feet in width, for the land located on the line as surveyed by the Chicago, Milwaukee and Saint Paul Railway Company, as shown by plats thereof, filed by said railway company with the honorable the Secretary of the Interior on the — day of —, 1880.*

"It is further covenanted and agreed by the said railway company, party of the second part, its successors and assigns, that upon the commencement or beginning of the work of constructing said railway, a sum of money equal to one-half of the full amount to be paid for the sole use and benefit of said Indians, parties of the first part, shall be paid at such places, at such times, and in such manner as the honorable the Secretary may hereafter direct.

"It is further covenanted and agreed that upon the commencement or beginning of the work of constructing the said railway beyond one hundred miles distant from the Missouri River, the said railway company, party of the second part, its successors and assigns, shall pay to the said Indians, parties of the first part, the remaining one-half and residue of the amount of money herein stipulated for the construction and operation of said railway, to be paid at such places, at such times, and in such manner as the honorable the Secretary of the Interior may hereafter direct.

"It is further covenanted and agreed that the Chicago, Milwaukee and Saint Paul Railway Company, its successors and assigns, shall have the right to occupy and hold along the line of said railway, exclusively for railway purposes, not exceeding one hundred and sixty acres of land at any one point, the consideration therefor being four dollars per acre, the same to be paid at such places, at such times, and in such manner as the honorable the Secretary of the Interior may hereafter direct.

"It is further covenanted and agreed that the said railway company, its successors and assigns, shall have the right to open and use for the purpose of constructing and operating said railway, a wagon road upon the line of said railway as located by the engineers of said railway company, together with the privilege of connecting the same with the Black Hills or with any wagon road intersecting or near the line of said railway over and across the Great Sioux Indian Reservation.

"And for the considerations aforesaid, the said Indians, parties of the first part, do hereby solemnly bind themselves and the tribes to which they respectively belong, at all times hereafter to protect the said Chicago, Milwaukee and Saint Paul Railway Company, party of the second part, its successors and assigns, and its employes, in the peaceful location, construction, and operation of its said railway over and across the Great Sioux Indian Reservation.

"The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs, headmen, and heads of a majority of families of the various Sioux Indians receiving rations and annuities at the agencies hereinbefore mentioned in the said Territory of Dakota, do hereby consent and agree to all stipulations therein contained.

"Witness our hands and seals at Rosebud Agency, in the Territory of Dakota, this 2d day of November, 1880, for the Ogalala Sioux, of Pine Ridge Agency.

Red Cloud, his x mark.

Young-man-afraid-of-his-horses, his x mark.

White Bird, his x mark.

Red Dog, his x mark.

Blue Horse, his x mark.

Three Stars, his x mark.

Three Bears, his x mark.

Daylight, his x mark.

Slow Bull, his x mark.

No Water, his x mark.

Black Bear, his x mark.

High Wolf, his x mark.

No Flesh, his x mark.

Sword, his x mark.

Big Foot, his x mark.

Little Crow, his x mark.

Grass, his x mark.

Dont Braid His Hair, his x mark.

White Cow Killer, his x mark.

High Bear, his x mark.

Afraid of Bear, his x mark.

Bad Wound, his x mark.

Weazle Bear, his x mark.

Fire Lightning, his x mark.

Black Bird, his x mark.

Iron Horse, his x mark.

Lone Wolf, his x mark.

Cloud Shield, his x mark.

Sorrel Horse Owner, his x mark.

Eagle Horn, his x mark.

Yellow Bear, his x mark.

Charging Shield, his x mark.

Black Bear, jr., his x mark.

* Map of preliminary survey filed, January 3, 1881.

"We certify that the foregoing agreement was read and explained by us, and was fully understood by the above-named Indians before signing the same.

"LOUIS RICHARD,
"LOUIS ROBIDEAUX,
"FRANK MERRIVALE, his x mark,
"Official Interpreters.

"Witness: HENRY LELAR.

"Attest: W. H. Stanton, Major and Paymaster, U. S. A.; John G. Bourke, 1st Lieut. 3d Cavalry, Aid-de-camp; A. Culacomb, 2d Lieut., 5th Cavalry; V. T. McGillycuddy, U. S. Indian Agent; John Cook, U. S. Indian Agent; Robert S. Gardner, U. S. Indian Inspector; S. S. Merrill, General Manager C., M. & St. Paul Railway Company, by J. Lawler.

"Chiefs and headmen and heads of families for the Rosebud Agency Indians.

Spotted Tail, his x mark.
White Thunder, his x mark.
Swift Bear, his x mark.
Tall Lance, his x mark.
Stranger Horse, his x mark.
He Dog, his x mark.
Ring Thunder, his x mark.
Eagle Hawk, his x mark.
Sky Bull, his x mark.
Chasing Hawk, his x mark.
Beans, his x mark.
White Tail, his x mark.
White Crane Walking, his x mark.
Quick Bear, his x mark.
Good Voice, his x mark.
Pine Shooter, his x mark.
Windy A, his x mark.
Milk, his x mark.
Mule Head, his x mark.
White Thunder, his x mark.
Standing Elk, his x mark.
Calf Skin Robe, his x mark.
Four Horns, his x mark.

Spotted Tail, jr., his x mark.
White Bear, his x mark.
Holy, his x mark.
Afraid of Bear, his x mark.
White Shield, his x mark.
Rain Water, his x mark.
White Lance, his x mark.
Running Shield, his x mark.
Iron Tail, his x mark.
Shooting Cat, his x mark.
Black Horn, his x mark.
Walking Eagle, his x mark.
Crazy Hawk, his x mark.
Dog Trail, his x mark.
Swift Hawk, his x mark.
Make Noise in the Woods, his x mark.
Long Face, his x mark.
Little Hawk, his x mark.
Jumping Thunder, his x mark.
White Paints His Ears, his x mark.
Big Head, his x mark.
Medicine Horse, his x mark.

"We certify that the foregoing agreement was read and explained by us, and was fully understood by the above-named Indians before signing the same.

"LOUIS RICHARD,
"LOUIS ROBIDEAUX,
"FRANK MERRIVALE, his x mark,
"Official Interpreters.

"Witness: HENRY LELAR.

"Attest: W. H. Stanton, Major & Paymaster, U. S. A.; John G. Bourke, 1st Lieut., 3d Cavalry, Aide-de-camp; A. Culacomb, 2d Lieut., 5th Cav.; V. T. McGillycuddy, U. S. Ind. Agt.; John Cook, U. S. Ind. Agt.; Robert S. Gardner, U. S. Indian Inspector; S. S. Merrill, Genl. Manager C. M. & St. Paul Rail W. Co., by J. Lawler.

"Chiefs, headmen, and heads of families of Lower Yanktonai Sioux Indians at Crow Creek Agency, Dakota Territory.

White Ghost, his x mark.
Chasing Bear, his x mark.
Wizi, his x mark.
Crow Man, his x mark.
Blowing or Drifting Goose, his x mark.
Brother, his x mark.
Talking Crow, his x mark.
Surrounded, his x mark.
Not Afraid of Bear, his x mark.
Splits, his x mark.
Dog Back, his x mark.
Round Head, his x mark.
John Thrown-away, his x mark.
Fast Walker, his x mark.
George Banks, his x mark.
Black Eagle, his x mark.
Bad Moccasin, his x mark.

Left Hand, his x mark.
Pratt, his x mark.
With Tail, his x mark.
Went After Bear, his x mark.
Burnt Prairie, his x mark.
Yellow Man, his x mark.
Back Ward, his x mark.
Don't Know How, his x mark.
Black Eagle, his x mark.
Bowed Head, his x mark.
Slapping, his x mark.
Standing Soldier, his x mark.
White Dog, his x mark.
Owl Head, his x mark.
Long Coyotte, his x mark.
Afraid of Shooting, his x mark.

8 CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

"I certify that the foregoing agreement was read and explained by me, and was fully understood by the above-named Indians before signing the same.

"MARK WELLS,
"Official Interpreter.

"Dated Crow Creek Agency, November 12, 1880.

"Attest: Wm. E. Dougherty, Capt. U. S. A., act'g agent; A. C. Bergen, A. A. Surgeon, U. S. A.; Frank O. Elliott, overseer & storekeeper; Robert S. Gardner, U. S. Indian inspector; S. S. Merrill, gen'l manager Chicago, Milwaukee and Saint Paul Railway Company, by J. Lawler.

"The chiefs, headmen, and heads of families of the Lower Brule Sioux Indians at Washington, D. C.

Iron Nation, his x mark.
Medicine Bull, his x mark.
Dead Hand, his x mark.
Handsome Elk, his x mark.

Little Pheasant, his x mark.
Bull Head, his x mark.
Big Mane, his x mark.
Bear Bird, his x mark.

"I certify that the foregoing was fully explained by me and understood by the above-named Indians before signing.

"MARK WELLS,
"Interpreter.
"ALEXANDER RENCOUNTRE,
"Chief Herder and Acting Interpreter.

"Dated Washington, D. C., Dec. 31, 1880.

"The chiefs, headmen, and heads of families of the Cheyenne River Sioux Indians at Washington, D. C.

Rattling Rib, his x mark.
Little No Heart, his x mark.

Blue Coat, his x mark.
Four Bear, his x mark.

"I certify that the foregoing was explained by me and fully understood by the above-named Indians before signing.

"MARK WELLS,
"Interpreter.
"ALEXANDER RENCOUNTRE,
"Chief Herder and Act'g Interpreter.

"Dated Washington, D. C., Dec. 31st, 1880.

"S. S. MERRILL,
"Gen'l Manager Chicago, Milwaukee and
"Saint Paul Railway Company,
"By J. LAWLER.

"Day and date above written.

"DEPT. OF THE INTERIOR, January 3, 1881.

"The within agreement is hereby approved.

"C. SCHURZ,
"Secretary."

"Articles of agreement made and entered into this 2nd day of November, 1880, between the undersigned chiefs, headmen, and heads of families of a majority of the Upper and Lower Yanktonais, Uncapapas, and Blackfeet Sioux Indians, Standing Rock Agency; Two Kettle, Sans Ark, Minneconjou, and Blackfeet Sioux Indians, Cheyenne River Agency; Lower Yanktonais Sioux Indians, Crow Creek Agency; Lower Brule Sioux Indians, Lower Brule Agency; Ogalala Sioux Indians, Pine Ridge Agency; Brule, Loafer, Wahzahzah, Minneconjou, and mixed Sioux Indians, Rosebud Agency; severally occupying the Sioux Indian Reservation in the Territory of Dakota, parties of the first part, and the Chicago, Milwaukee and St. Paul Railway Company, of Milwaukee, in the State of Wisconsin, party of the second part, witnesseth:

"That the said tribes of Sioux Indians do hereby grant the said railway company, its successors and assigns, the right to hold and occupy not less than one thousand acres of land at the eastern terminus of said railway company on the western bank of the Missouri River, at or near the mouth of American Crow Creek, in said Territory, for freight and passenger depots, warehouses, machine shops and foundries, steamboat and ferry landings; for all other railway purposes; for the residence of its employes, and for no other purposes; and to be occupied under such regulations as

the Secretary of the Interior may prescribe for the protection of the Indians; said one thousand acres to be definitely located by said railway company as soon as the necessary surveys have been made to determine the point at which the road of said company shall strike the Missouri River. In consideration whereof, the said company, party of the second part, doth hereby, for itself, its successors and assigns, covenant and agree that it will, prior to the commencement of the construction of its said road through the Territory above named, pay or cause to be paid to the United States or its regularly authorized agent or agents for the sole use and benefit of the said Indians, parties of the first part, the sum of five dollars per acre for the lands located on the Missouri River, as hereinbefore described, to be paid at such place, at such times, and in such manner as the honorable the Secretary of the Interior may hereafter direct. It is further agreed that for the consideration hereinafter mentioned, the said Indians, parties of the first part, do hereby consent and agree that the said company, party of the second part, its successors and assigns, shall have the free and undisturbed right to locate, construct, operate, and maintain its line of railway, commencing at a point on the west bank of the Missouri River at or near the mouth of American Crow Creek, running in a westerly direction on the line surveyed and located by the Chicago, Milwaukee and Saint Paul Railway Company, over and across the Great Sioux Indian Reservation in Dakota Territory; and the right is hereby granted to occupy and hold for the use of the said railway company, its successors and assigns, a strip of land not exceeding two hundred feet in width, extending the entire length of said line of railway over and across the Great Sioux Indian Reservation in said Territory of Dakota. In consideration whereof the said railway company, party of the second part, doth hereby, for itself, its successors and assigns, covenant and agree that it will, prior to the commencement of the construction of its said road through the Territory above named, pay or cause to be paid to the United States or its regularly authorized agent or agents, for the sole use and benefit of the said Indians, parties of the first part, the sum of one hundred and ten dollars per mile, not exceeding two hundred feet in width, for the lands located on the line as surveyed by the Chicago, Milwaukee and St. Paul Railway Company, as shown by plats thereof filed by said railway company with the honorable the Secretary of the Interior on the ——— day of ———, 1880.

"It is further covenanted and agreed by the said railway company, party of the second part, its successors and assigns, that upon the commencement or beginning of the work of constructing said railway a sum of money equal to one-half of the full amount to be paid for the sole use and benefit of said Indians, parties of the first part, shall be paid at such places, at such times, and in such manner as the honorable the Secretary of the Interior may hereafter direct. It is further covenanted and agreed that upon the commencement or beginning of the work of constructing the said railway beyond one hundred miles distant from the Missouri River, the said railway company, party of the second part, its successors and assigns, shall pay to the said Indians, parties of the first part, the remaining one-half and residue of the amount of money herein stipulated for the construction and operation of said railway, to be paid at such places, at such times, and in such manner as the honorable the Secretary of the Interior may hereafter direct.

"It is further covenanted and agreed that the Chicago, Milwaukee and St. Paul Railway Company, its successors and assigns, shall have the right to occupy and hold along the line of said railway, exclusively for railway purposes, not exceeding one hundred and sixty acres of land at any one point, the consideration thereof being four dollars per acre, the same to be paid at such places, at such times, and in such manner as the honorable the Secretary of the Interior may hereafter direct.

"It is further covenanted and agreed that the said railroad company, its successors and assigns, shall have the right to open and use for the purpose of constructing and operating said railway a wagon road upon the line of said railway, as located by the engineers of said railway company, together with the privilege of connecting the same with the Black Hills, or with any wagon road intersecting or near the line of said railway over and across the Great Sioux Indian Reservation.

"And for the considerations aforesaid the said Indians, parties of the first part, do hereby solemnly bind themselves and the tribes to which they respectively belong at all times hereafter to protect the said Chicago, Milwaukee and Saint Paul Railway Company, party of the second part, its successors and assigns, and its employes in the peaceful location, construction, and operation of its said railway over and across the Great Sioux Indian Reservation.

"The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned, chiefs, headmen, and heads of a majority of families of the various Sioux Indians receiving rations and annuities at the agencies hereinbefore mentioned, in the said Territory of Dakota, do hereby consent and agree to all stipulations herein contained.

"Witness our hands and seals at Standing Rock, in the Territory of Dakota, this —

10 CHICAGO, MILWAUKEE AND ST. PAUL RAILWAY COMPANY.

day of December, 1880, for the Upper and Lower Yanktonnais, Uncapapas, and Black-foot Indians of the Sioux Nation.

Chief John Grass, x his mark. (Seal.)	Eagle Walking, x his mark. (Seal.)
Chief Two Bears, x his mark. (Seal.)	Little Bird, x his mark. (Seal.)
Chief Thunder Hawk, x his mark. (Seal.)	Red Earth, x his mark. (Seal.)
Chief Big Head, x his mark. (Seal.)	Looking Crow, x his mark. (Seal.)
Bear Ribs, x his mark. (Seal.)	Fast Horse, x his mark. (Seal.)
Bear's Face, x his mark. (Seal.)	Rushing Thunder, x his mark. (Seal.)
Walking Shooting, x his mark. (Seal.)	Afraid of Bear, x his mark. (Seal.)
Long Soldier, x his mark. (Seal.)	Takes the Gun, x his mark. (Seal.)
Red Bull, x his mark. (Seal.)	Mouse Eye, x his mark. (Seal.)
Cotton Wood, x his mark. (Seal.)	Bob Tail Bear, x his mark. (Seal.)
Scared Eagle, x his mark. (Seal.)	Pretended Eagle, x his mark. (Seal.)
Wolf Necklace, x his mark. (Seal.)	No Heart, x his mark. (Seal.)
Bull Head, x his mark. (Seal.)	Sitting Elk, x his mark. (Seal.)
Drags the Wood, x his mark. (Seal.)	Scarlet Necklace, x his mark. (Seal.)
Blue Thunder, x his mark. (Seal.)	Crazy Walking, x his mark. (Seal.)
Grey Dog, x his mark. (Seal.)	William Halsey, x his mark. (Seal.)
Fire Heart, jr., x his mark. (Seal.)	Black Horse, x his mark. (Seal.)
Gage, x his mark. (Seal.)	Broken Head, x his mark. (Seal.)
Wild Bear, x his mark. (Seal.)	Spotted Face, x his mark. (Seal.)
Follows the Woman, x his mark. (Seal.)	Joseph Primeau.

"I certify that the foregoing agreement was read and explained by me, and was fully understood by the above-named Indians before signing the same.

"CHARLES PRIMEAU,
"Official Interpreter.

"Dated Standing Rock Agency, December 13, 1880.

"Attest: J. A. Stephan, U. S. Indian agent; E. Butler, Capt. 5th Infty., U. S. A.; James H. Stewart, clerk, Standing Rock Agency; Hermann Karberg, Indian trader; Robert S. Gardner, U. S. Indian inspector; S. S. Merrill, gen. manager C., M. & St. Paul Railway Co., by Jos. Rankin.

"DEPARTMENT OF THE INTERIOR, *January 3, 1881.*

"The within agreement is hereby approved.

"C. SCHURZ,
"Secretary."

"DEPARTMENT OF THE INTERIOR,
"Washington, *January 5, 1881.*

"Whereas, by the terms of the recent agreements entered into by and between the Chicago, Milwaukee and St. Paul Railway Company and the Sioux Indians of the various tribes living upon what is known as the Great Sioux Reservation in Dakota Territory for the granting of a right of way, &c., to said company through and across said reservation, which agreements were approved by the honorable the Secretary of the Interior on the 3rd day of January, 1881, it was provided that the said company should have the right to hold and occupy one thousand acres of land at the terminus of said road on the western bank of the Missouri River upon said reservation upon the payment of the sum of five dollars (\$5.00) per acre, at time and manner as prescribed in said agreements: Now I, John Lawler, on behalf of said railway company, do hereby agree that if the said Indians shall so request, prior to the time when it shall become necessary for said railway company to go upon said land at said terminus, to relinquish all right to take, hold, and occupy more than six hundred and forty acres of land at said terminus, to be chosen and surveyed as provided for by the terms of the agreements hereinbefore referred to.

"J. LAWLER,
"For Chicago, Milwaukee and Saint Paul Railway Company."

Supplemental agreement.

(Signed in duplicate.)

"Whereas an agreement has been made and entered into by and between the several tribes of the Sioux Nation and the Chicago, Milwaukee and Saint Paul Railway Company; and whereas by the terms of which agreement the right of way is granted to said railway company to construct, maintain, and operate its railway across the Great Sioux Reservation, together with the right to use, hold, and occupy certain other lands described in the aforesaid agreement, it is hereby further understood and agreed

by and between the parties aforesaid that the said railway company shall pay to the individual occupants of lands at Lower Brule embraced in the aforesaid agreement, such additional compensation for the improvements made on their lands by said occupants as may be agreed upon by and between the aforesaid railway company and a commission appointed by the Secretary of the Interior and one commissioner selected by the Indians.

"It is further understood and agreed that the sum determined to be paid by said commission shall be paid to the individual occupants or in such other manner as the Secretary of the Interior may direct.

"Witness our hand and seal this day affixed to the foregoing agreement.

"Lower Brule Agency, Dakota, Novbr. 10th, A. D. 1880.

[SEAL.]

"J. LAWLER,

"For Chicago, Milwaukee and Saint Paul Railway Company."

"DEPARTMENT OF THE INTERIOR, January 3, 1881.

"The within supplemental agreement is hereby approved.

"C. SCHURZ,

"Secretary.

"Articles of agreement made and entered into this 13th day of November, 1880, between the undersigned chiefs, headmen, and heads of families of a majority of the Lower Yanktonnais Sioux Indians at Crow Creek Indian Agency, Dakota T'y, and Spotted Tail and White Thunder, chiefs of the Brule, Loafer, Wahzahzah, Minneconjou, and mixed Sioux Indians, severally occupying the Sioux Indian Reservation, in the Territory of Dakota, parties of the first part, and the Chicago, Milwaukee and St. Paul Railway Company of Milwaukee, in the State of Wisconsin, party of the second part, witnesseth:

"That said tribes of Sioux Indians do hereby grant the said railway company, its successors and assigns, the right to hold and occupy not less than ——— acres of land at the western terminus of said railway on the eastern bank of the Missouri River, at or near the mouth of American Creek in said Territory, for freight and passenger depots, warehouses, machine shops and foundries, steamboat and ferry landings, and for all other railway purposes; for the residence of its employes, and for no other purposes, and to be occupied under such regulations as the Hon. Secretary of the Interior may prescribe for the protection of the Indians, said ——— acres of land to be definitely located by said railway company as soon as the necessary surveys have been made to determine the point at which the road of said company shall strike the Missouri River.

"In consideration whereof the said railway company, party of the second part, doth hereby for itself, its successors and assigns, covenant and agree that it will, prior to the commencement of the construction of its said road through the Territory above named, pay or cause to be paid to the United States, or its regularly authorized agent or agents, for the sole use and benefit of the said Indians, parties of the first part, the sum of five dollars per acre for the lands located on the Missouri River, as hereinbefore described, to be paid at such place, at such time, and in such manner as the honorable the Secretary of the Interior may hereafter direct.

"It is further agreed that, for the consideration hereinafter mentioned, the said Indians, parties of the first part, do hereby consent and agree that the said railway company, its successors and assigns, party of the second part, shall have the free and undisturbed right to locate, construct, operate, and maintain its line of railway wheresoever it touches, runs over or across the said Crow Creek Reservation, on the eastern side of the Missouri River, in said Territory of Dakota, running in a westerly direction on the line surveyed and located by the Chicago, Milwaukee and St. Paul Railway Company over and across said Crow Creek Reservation, in said Territory of Dakota; and the right is hereby granted to occupy and hold for the use of the said railway company, its successors and assigns, a strip of land not exceeding two hundred (200) feet in width, extending the entire length of said line of railway over and across the Crow Creek Indian Reservation, in said Territory of Dakota. In consideration whereof the said railway company, party of the second part, doth hereby, for itself, its successors and assigns, covenant and agree that it will, prior to the commencement of the construction of its said road through the Territory above named, pay or cause to be paid to the United States or its regularly authorized agent or agents, for the sole use and benefit of the said Indians, parties of the first part, the sum of four dollars per acre of each and every acre used and occupied by said railway company within the prescribed limits of two hundred feet wide, extending the entire length of said line over and across and through the Crow Creek Indian Reservation, in said Territory of Dakota, to be paid at such place, such time, and in such manner as the honorable the Secretary of the Interior may hereafter direct.

"And for the considerations aforesaid, the said Indians, parties of the first part, do

hereby solemnly bind themselves and the tribes to which they respectively belong, at all times hereafter to protect the said Chicago, Milwaukee and Saint Paul Railway Company, its successors and assigns, party of the second part, and its employes, in the peaceful location, construction, and operation of its said railway over and across the Crow Creek Indian Reservation in said Territory of Dakota.

"The foregoing articles of agreement having been fully explained to us in open council, we, the undersigned chiefs, headmen, and heads of a majority of families of the Lower Yanktonais tribe of Sioux Indians receiving rations and annuities at Crow Creek Indian Agency in the Territory of Dakota, Spotted Tail and White Thunder, chiefs of the Brule, Loafer, Wahzahzah, Minneconjou, and mixed Sioux Indians at Rosebud Agency, in said Territory of Dakota, by authority and power of attorney herewith attached and made part of this agreement, do hereby consent and agree to all stipulations therein contained.

"Witness our hands and seals at Crow Creek Agency, in the Territory of Dakota, this 13th day of November, 1880.

White Ghost, his x mark. [Seal.]
 Chasing Bear, his x mark. [Seal.]
 Wizi, his x mark. [Seal.]
 Crow Man, his x mark. [Seal.]
 Drifting Goose, his x mark. [Seal.]
 Brother, his x mark. [Seal.]
 Talking Crow, his x mark. [Seal.]
 Surrounded, his x mark. [Seal.]
 Not Afraid of Bear, his x mark. [Seal.]
 Splits, his x mark. [Seal.]
 Dog Back, his x mark. [Seal.]
 Round Head, his x mark. [Seal.]
 Fast Walker, his x mark. [Seal.]
 John Thrown-away, his x mark. [Seal.]
 George Banks, his x mark. [Seal.]
 Fast Walker, his x mark. [Seal.]
 Black Eagle, his x mark. [Seal.]

Bad Moccasin, his x mark. [Seal.]
 Left Hand, his x mark. [Seal.]
 Pratt, his x mark. [Seal.]
 With Tail, his x mark. [Seal.]
 Went After Bear, his x mark. [Seal.]
 Burnt Prairie, his x mark. [Seal.]
 Yellow Man, his x mark. [Seal.]
 Don't Know How, his x mark. [Seal.]
 Black Eagle, his x mark. [Seal.]
 Bowed Head, his x mark. [Seal.]
 Slapping, his x mark. [Seal.]
 Standing Soldier, his x mark. [Seal.]
 White Dog, his x mark. [Seal.]
 Owl Head, his x mark. [Seal.]
 Long Coyotte, his x mark. [Seal.]
 Afraid of Shooting, his x mark. [Seal.]

"I certify that the foregoing agreement was read and explained by me, and was fully understood by the above-named Indians before signing the same.

"MARK WELLS,
"Official Interpreter.

Spotted Tail, his x mark, [Seal.]

White Thunder, his x mark, [Seal.]

for and on behalf of the Brule, Loafer, Wahzahzah, Minneconjou, and mixed Sioux Indians at Rosebud Agency, as contained in power of attorney herewith attached.

"Witness to marks of Indians signing this agreement:

"JOHN C. BEVERIDGE,
"Office and Issue Clerk.

"M. P. POMEROY,
"Agency Physician.

"ROBERT TURNER,
"Brule Agency Physician.

"JAMES N. EBY,
"U. S. Indian Inspector.

"ROBERT S. GARDNER,
"U. S. Indian Inspector.

"S. S. MERRILL,
"By J. LAWLER."

"General Manager Chicago, Milwaukee and Saint Paul Railway Company,

"DEPARTMENT OF THE INTERIOR,
"January 3, 1881.

"The within agreement is hereby approved, with the proviso that the said railway company shall be entitled under the same to land at the western terminus of their road on the eastern bank of the Missouri River, to an amount not to exceed two hundred acres; and in traversing the Sioux Reservation east of said river, in approaching said terminus, to a strip of land not exceeding 200 feet in width, and not to exceed 160 acres for depot grounds at each of such points east of said terminus as may be necessary, to be paid for at the rates herein agreed upon.

"C. SCHURZ,
"Secretary.

"Know all men by these presents that we, the undersigned chiefs, headmen, and heads of a majority of families of the Ogalala Sioux Indians (Pine Ridge Agency),

and the Brule, Loafer, Wahzahzah, Minneconjou, and mixed Sioux Indians (Rosebud Agency), in the Territory of Dakota, have made, constituted, and appointed, and by these presents do make, constitute, and appoint Spotted Tail and White Thunder, at Rosebud Agency, in the Territory aforesaid, to act for us in negotiating for the selling of certain lands to the Chicago, Milwaukee and St. Paul Railway Company, at the eastern terminus of said railway company west of the Missouri River, and lying on both sides of the American Crow Creek in the Territory aforesaid.

"In witness whereof we have hereunto set our hands this 2nd day of November, 1880.

Red Cloud, his x mark.

Young Man Afraid of his Horses, his x mark.

White Bird, his x mark.

Red Dog, his x mark.

Blue Horse, his x mark.

Three Stars, his x mark.

Three Bears, his x mark.

Daylight, his x mark.

Slow Bull, his x mark.

No Water, his x mark.

Black Bear, his x mark.

High Wolf, his x mark.

No Flesh, his x mark.

Sword, his x mark.

Big Foot, his x mark.

Little Crow, his x mark.

Grass, his x mark.

Don't Braid His Hair, his x mark.

White Cow Killer, his x mark.

High Bear, his x mark.

Afraid of Bear, his x mark.

Bad Wound, his x mark.

Weazle Bear, his x mark.

Fire Lightning, his x mark.

Black Bird, his x mark.

Iron Horse, his x mark.

Lone Wolf, his x mark.

Cloud Shield, his x mark.

Sorrel Horse Owner, his x mark.

Eagle Horse, his x mark.

Yellow Bear, his x mark.

Charging Shield, his x mark.

Black Bear, jr., his x mark.

"We certify that the foregoing agreement was read and explained by us, and was fully understood by the above-named Indians before signing the same.

"LOUIS RICHARD.

"LOUIS ROBIDEAUX.

"FRANK MERRIVALE, his x mark.

"Witness:

"HENRY LELAR.

"V. T. MCGILLYCUDDY,

"U. S. Indian Agent.

"ROBERT S. GARDNER,

"U. S. Indian Inspector.

"Be it remembered that on this 2nd day of November, A. D. 1880, personally appeared before me the above-named Indians, to me known to be the identical persons who executed the foregoing power of attorney, and acknowledged that they executed the same freely and voluntarily for the uses and purposes therein expressed.

"In testimony whereof I have hereunto set my hand and seal this 2nd day of November, A. D. 1880, at Rosebud Agency, D. T.

[SEAL.]

"HENRY LELAR,

"U. S. Commissioner."

SEC. 2. That whenever the right of way and lands the use and occupancy whereof is hereby granted shall cease to be used for the purposes aforesaid, the same shall revert to the United States.

SEC. 3. That Congress hereby reserves the right at any time to alter, amend, or repeal this act or any part thereof.

EXHIBIT B.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, March 3, 1898.

SIR: The Chicago, Milwaukee and St. Paul Railway Company has filed an application for the return of a sum of money which was deposited by said company with the Secretary of the Interior, amounting to \$15,335.76, to be applied in payment for certain lands in the Sioux Indian Reservation under agreements made by said company with the Sioux Indians of Dakota in 1881, which has been referred to me for an opinion as to whether said application should be granted.

This is a renewal of a former application for the return of said sum which was rejected by the Department October 21, 1895 (21 L. D., 324), the company now insisting that the law and facts controlling this application were misconstrued in the

decision of October 21, 1895, and as this is a matter solely between the Government and the company it asks that the application may be reconsidered.

The history of the initiation of this transaction will be found in the records of the Indian division, part of which is embraced in Senate Executive Document No. 20, Forty-eighth Congress, first session, from which it appears that in 1880 the Sioux Indians in Dakota entered into four several agreements with the Chicago, Milwaukee and St. Paul Railway Company, granting to said company the right of way across their lands and the right to hold and occupy certain lands for railway purposes, which were approved by the Secretary of the Interior, January 3, 1881, with certain modifications, and on January 18, 1881, the company filed in the Department a bond for the faithful performance of the agreements, which was approved by the Secretary of the Interior, January 20, 1881.

These agreements were evidently entered into between the railroad company and the Sioux Indians and were approved by the Secretary of the Interior under the belief that the right and privilege therein bargained for could be acquired under the stipulations contained in the second article of the treaty or agreement made with the Sioux Indians September 26, 1876, by commissioners on the part of the United States, and ratified by the act of Congress approved February 28, 1877 (19 Stat., 255), by which the Indians consented to the construction of roads from accessible points on the Missouri River through their reservation to the country lying immediately west, not to exceed three in number. If these agreements had been authorized by that stipulation the ratification of them by Congress would not have been necessary in order to authorize the railway company to enter upon said reservation and to construct and operate its road, but the right would have become vested and complete upon the payment of the amount stipulated in the agreements. That this view was entertained by the company and the Secretary of the Interior at the time the money was paid is shown by the following correspondence between Gen. John Lawler, the agent of the company, and the Secretary of the Interior:

WASHINGTON, D. C., *October 3, A. D. 1881.*

Hon. S. J. KIRKWOOD,
Secretary of the Interior:

I have the honor to direct your attention to certain agreements, approved by the Secretary of the Interior on the 3d day of January, A. D. 1881, granting to the Chicago, Milwaukee and St. Paul Railway Company, in consideration of certain payments to be made, sundry specified rights upon the Great Sioux Indian Reservation, in the Territory of Dakota. These rights may be summarized as follows: The right to hold and occupy lands for railway purposes on the Missouri River and at intervals along the line of the proposed railway; the right of way for the proposed railway of said company and the right to open and control a wagon road upon or as near as it shall be convenient and practicable to said railway line, as surveyed and located, and to use said right of way and wagon road in the interest of the Chicago, Milwaukee and St. Paul Railway Company for the transportation of persons and property to and from said railway over and across the Great Sioux Reservation.

I beg leave to state, on behalf of the railway company aforesaid, that it now desires to enter upon said Indian reservation for the purpose of using and enjoying the rights granted on said agreement, and it is now ready to pay for such rights the sum of money required to be paid by said "agreement before the commencement of the work of construction," to wit, "one-half of the full amount to be paid for the use and benefit of said Indians," being the sum, as it seems from the agreement, of \$11,511, the amount resulting from a calculation based on a distance of $180\frac{2}{10}$ miles that said right of way and wagon road extends over and across said Indian reservation, as shown and located upon map of line filed with the Secretary of the Interior and upon the cost of 640 acres of land on the Missouri at the rate of \$5 per acre. Wherefore, I respectfully request the Secretary of the Interior to receive said payment, or such other as in his judgment the agreement requires, or direct how the same shall be made, and thereupon to grant permission to the Chicago, Milwaukee and St. Paul Railway Company, its agents and servants, contractors and laborers, its connecting transportation lines, and all whomsoever it may designate as being or operating in the interest of said company, to enter upon the said reservation for the purpose of exercising and enjoying the rights set forth.

I have the honor to remain your obedient servant,

J. LAWLER,
For the Chicago, Milwaukee and St. Paul Railway Company.

To this the Secretary of the Interior replied as follows:

OCTOBER 7, 1881.

SIR: In reply to your letter of the 3d instant, asking about the first payment from your company under its several agreements with the Sioux Indians for the right of way and occupation of lands for railway purposes across the Great Sioux Reserva-

tion in Dakota (which agreements—four in number—were approved by the Department under date of 3d January, 1881), you are respectfully informed that, calculating the section of land on the west bank of the Missouri River (640 acres at \$5 per acre, \$3,200; 10 stations, at 20 acres each, 200 acres, at \$4 per acre, \$800; 90.1 (half length) of railway track at \$110 per mile, \$9,911—\$13,911), the amount found due as first payment by your company upon the basis presented is \$13,911, taking your verbal statement of the average quantity of lands required for way stations, calculating 10 stations at 20 acres to the station for the first half of the road.

Upon the subject of the section of land on the west bank of the Missouri River it is understood between your company and this Department that said section shall be located immediately opposite to the section line between sections 29 and 30, township 104 north, range 74 west, on the east side of the said Missouri River, and that your company will within sixty days from this date file a map of the location of the said section so taken, to be occupied under the modified agreement with the Sioux, giving the description and boundaries of said section, to be in conformity to the public surveys.

With this understanding, upon the payment of the sum of \$13,911 before noted, the Chicago, Milwaukee and St. Paul Railway Company will be allowed to enter upon the Great Sioux Reservation and construct and operate its wagon road and railway under the provisions of the agreements noted.

The use of the temporary wagon road and railway granted is permitted to your company in accordance with the provisions of the agreements referred to, and is intended to cover all legitimate privileges for traffic and travel consistent with such agreements and the provisions and limitations of the intercourse laws.

Rules and regulations for the guidance of the said company will be duly prepared and transmitted to you.

It is further understood that any default in the stipulations governing the authority granted will be considered sufficient cause by the Department for the revocation of this authority.

Very respectfully,

S. J. KIRKWOOD,
Secretary.

Gen. JOHN LAWLER,

*General Agent of the Chicago, Milwaukee and
St. Paul Railway Company, Washington, D. C.*

Subsequently the company made an additional deposit of \$1,424.76, part payment for the right of way through the Crow Creek Reservation and for the 188 acres east of the Missouri River, making in all the sum of \$15,335.76. (Senate Ex. Doc. No. 20.)

The circumstances under which the money was deposited by the company and received by the Government is shown by this correspondence. It was not a deposit as earnest money, nor a payment conditioned upon ratification by Congress, but it was made in fulfillment of its obligation under the terms of the agreements, upon the express promise of the Secretary of the Interior that upon the payment of such sum the company would be permitted to enter upon said reservation and construct and operate its wagon road and railway under the provision of said agreements.

Prior to the approval of the agreements entered into between the railway company and the Indians, three wagon roads or routes, as authorized by the second article of the agreement or treaty of September 26, 1876, had been designated by the War Department to be constructed and maintained through said reservation. In reporting upon a letter addressed to the Secretary of War relative to these wagon roads, which had been referred to this Department, the Commissioner of Indian Affairs, on March 1, 1882, called attention to the agreements with the railway company, which had been approved by the Department, and in submitting the inquiry as to whether the Indians in making said agreements understood that they were only carrying out the obligation imposed by the second article of the agreement or treaty of 1876, stated that it was certain the railway company based its application for right of way upon that provision, although it was not referred to in their agreements.

In transmitting this report, the Secretary of the Interior said:

“Upon full consideration of the subject I am of opinion that the three routes indicated for wagon roads westward from the Missouri River from Bismarck, at or near Fort Pierre, and from the Yankton crossing of the Missouri are matters arising under the second article of the agreement referred to, and that the stipulations set forth in the treaty are a consideration for such concession. Further, that any subsequent agreements for roads across said reserve, wherein a valuable consideration is obtained, is in addition to any former existing rights. (Ind. Mis. No. 29, 1882, p. 151.)”

From this time it was understood that the agreements could not be carried into execution without ratification by Congress, and a bill for that purpose was prepared and submitted, but it failed to become a law.

As soon as it was ascertained that the Government could not fulfill its promise to the railway company, upon the faith of which the payment was made, the money was then held by the Government for the use and benefit of the railway company and could have been withdrawn without violating any agreement with the Indians or obligation to the Government. Such was the condition of this deposit when the act of March 2, 1889 (25 Stats., 888), was passed, which provided for the creation of smaller and separate reservations out of a portion of this reservation and for the restoration of the remainder to the public domain. The act took effect February 10, 1890, having been accepted and consented to by the Indians, and said acceptance and consent having been made known by proclamation of the President, as therein provided.

The sixteenth section of the act declared that the acceptance of the provisions of the act by the Indians should not affect any agreement theretofore made with the Chicago, Milwaukee and St. Paul Railway Company for right of way through said reservation or for any lands acquired by any such agreement to be used in connection therewith, except as therein provided:

"But the Chicago, Milwaukee and St. Paul Railway Company and the Dakota Central Railroad Company shall, respectively, have the right to take and use, prior to any white person and to any corporation, the right of way provided for in said agreements, with not to exceed 20 acres of land in addition to the right of way, for stations for every 10 miles of road, and said companies shall also, respectively, have the right to take and use for right of way, sidetrack, depot, and station privileges, machine shop, freight house, roundhouse, and yard facilities, prior to any white person, and to any corporation or association, so much of the two separate sections of land embraced in said agreements; also, the former company so much of the 188 acres, and the latter company so much of the 75 acres on the east side of the Missouri River, likewise embraced in said agreements, as the Secretary of the Interior shall decide to have been agreed upon and paid for by said railroad, and to be reasonably necessary upon each side of said river for approaches to the bridge of each of said companies to be constructed across the river for right of way, sidetrack, depot and station privileges, machine shop, freight house, roundhouse, and yard facilities, and no more," with the following proviso:

(1) That payment shall be made by the company according to the agreements for each mile of road and each acre of land which the company may take and use for railway purposes. (2) That the land shall only be used for railway purposes. (3) That payment shall be made and the conditions performed within six months after the act takes effect; and (4) That the company shall within nine months after the act takes effect definitely locate its line of road, including station grounds and terminals, and within such time file with the Secretary of the Interior a map of such definite location, specifying clearly the line of road, the several station grounds, and the amount of land required for railway purposes, and the Secretary of the Interior shall, within three months after the filing of such map, designate the particular portion of said sections and of said tracts of land which said railway companies may take and hold under the provisions of said act, and the company shall, within three years after the act takes effect, construct, complete, and put in operation its line of road; and upon failure to locate, construct, and operate the same within the time required by the act the lands granted for right of way, station grounds, and other railway purposes shall be forfeited and shall, without further entry or further action on the part of the United States, revert to the United States and be subject to entry under the other provisions of the act.

After providing for the creation of certain separate reservations the act (section 21) restored all other portions of the reservation, except three islands therein named, to the public domain, to be disposed of by the United States, to actual settlers only, under the provisions of the homestead law; but provided that the land so entered should be paid for at the rate of \$1.25 per acre for all lands disposed of within the first three years after the act takes effect, at 75 cents per acre for all lands disposed of within the next two years thereafter, and at 50 cents per acre for the residue of the lands then undisposed of; also that such of said lands remaining undisposed of at the end of ten years from the taking effect of the act shall be taken by the United States at 50 cents per acre, which amount shall be credited to said Indians as part of their permanent fund, and shall thereafter be a part of the public domain, to be disposed of under the homestead laws and the provisions of said act.

The twenty-second section of the act provided—

"That all money accruing from the disposal of lands in conformity with this act shall be paid into the Treasury of the United States to be applied solely as follows:

"First. To the reimbursement of the United States for all necessary actual expenditures contemplated and provided for under the provisions of this act and the creation of the permanent fund hereinbefore provided, and after such reimbursement to the increase of said permanent fund for the purposes hereinbefore provided."

Within the time required by the act the company filed with the Secretary of the

Interior a map of definite location, which was approved subject to the conditions contained in the sixteenth section of the act, and the \$15,335.76 still being on deposit with the Secretary of the Interior, its right to take and use prior to any white person the land specified in the agreement and designated by the maps, for the purposes contemplated by the act, became complete, subject only to forfeiture upon failure to construct, complete, and put in operation the road within three years from February 10, 1890. (See *King v. Chicago, Milwaukee and Saint Paul Railway Company*, 14 L. D., 167.)

The company, having failed to complete the road within the time prescribed by the act, caused a forfeiture of the lands reserved to it under the 16th section of the act of March 2, 1889, and they were declared by proclamation of the President to be restored to the public domain, subject to the provisions of said act. (See *Chicago, Milwaukee and St. Paul Railway Company*, 19 L. D., 429.)

Its right to take and use the said lands for railway purposes prior to any white person being thus forfeited, all lands covered by the agreements thereupon became subject to entry under the provisions of the twenty-first section of said act, and the money accruing from the disposal of said lands, after reimbursing the United States for the actual necessary expenses in carrying out the provisions of the act, has been placed, or is subject to be placed, to the credit of said Indians as a part of their permanent fund.

By the decision of October 21, 1895, it was held that while the payment was originally in the nature of a deposit, when Congress ratified the agreement, and the company accepted the conditions imposed by the act, it became an executed contract, and the deposit was converted into a payment. In other words, it was considered as a purchase under the agreement, which was completed upon the filing of the maps designating the land and the payment of money, subject to forfeiture of the land so purchased upon failure to build the road within the time prescribed by the act, and as the failure to build the road within the time prescribed was solely the default of the company, it can not recover the money, as the Government was not in default.

The plain purpose of the act was to confer upon the company the right to purchase so much of the land covered by the agreements as they might designate by maps of definite location, subject to the approval of the Secretary of the Interior, upon performing certain conditions, but it would not have been compelled to purchase any part of the land that was not used and occupied by it, even if the conditions had been performed. It was an option or privilege that it might have exercised or not at its pleasure. The express language of the act is that the company shall "have the right to take and use, prior to any white person, and to any corporation, the right of way provided for in said agreements, with not to exceed twenty acres of land in addition to the right of way, for stations for every ten miles of road; and said companies shall also, respectively, have the right to take and use for right of way, side track, depot, and station privileges, machine shop, freight house, round house, and yard facilities, prior to any white person, and to any corporation or association, so much of the two separate sections of land embraced in said agreements."

The conditions upon which the right of purchase could be exercised are that the company should, within six months after the act takes effect, make payment for each mile of road and each acre of ground taken under the agreement; that within nine months it shall locate its line of road and designate the land it intended to purchase; and within three years it shall construct, complete, and put it in operation. Upon the performance of these conditions the company would have been entitled to purchase the land designated, and not until then. If it failed to perform any of the conditions within the time prescribed, the privilege to purchase was forfeited and the land which had been held in reservation was restored to the public domain. This is the plain and obvious meaning of the act.

It will be observed that the company was required to make payment within six months after the act took effect, and yet it was allowed nine months after the act took effect to designate the tracts it might have the privilege of purchasing. If a deposit had been made sufficient to cover the whole amount that would have been required in the event that the company elected to purchase all the land covered by the agreements, can it be pretended that it could not have withdrawn the surplus, if within the nine months it should have designated a less area? So it might, within the three years, have refused to purchase any land except what it actually used in the construction and operation of the road, embracing the right of way as stipulated in the agreements. The building of the road would have been a performance of the conditions, and while the company would have been compelled to pay for every mile of right of way taken and used for that purpose, which could have been appropriated from the sum deposited, to the extent of the obligation thus incurred, it was under no obligation to purchase the ground for station purposes, unless used, or the 188 acres on the east bank of the river, or the 640 acres on the west bank of the river, but it would have had an absolute right to withdraw all the surplus after paying for the right of way.

No appropriation of payment has ever been made upon this contract or agreement, and the money deposited by the company to be appropriated in payment for the land whenever it had performed the conditions upon which it could alone have obtained title was not subject to be so appropriated until the company had performed the conditions, and applied to purchase so much of the land embraced in their maps of definite location as it might have desired to purchase. As before stated, it was not bound to purchase any of the land, but if it had constructed, completed, and put in operation its road within the time prescribed by the act it would have been entitled to purchase so much of the land designated by its maps of definite location as it desired. As it failed to construct, complete, and put in operation its line of road within the three years, its right to purchase the same prior to any white person was forfeited, and the lands were by the very terms of the act restored to the public domain, to be disposed of under the provisions of said act for the benefit of the Indians and the proceeds of sale to be credited to the permanent fund.

The language of the act, that "the lands granted for right of way, station grounds, or other railway purposes shall revert to the United States and be subject to entry under the other provisions of this act," upon failure to perform the conditions, does not indicate that definite location of the line of road and the designation of the lands it intended to purchase was the completion of a right or that the contract was thereby executed, because the complete construction and operation of the road through the reservation was a condition precedent to the company's right of purchase.

The two preliminary conditions were that the company should make payment as a guaranty of the fulfillment of its obligation to pay for every mile of right of way and every acre of ground taken under the terms of the agreement, and that it should designate the lands it intended to purchase. The performance of these two conditions within the time required by the act reserved the land from the operation of the other provisions of the act or from any other disposition for the period of time in which the company might perform all the conditions essential to its right of purchase.

I have therefore to advise that the Government has no right to retain this money, and that it should be returned to the company, if it is still under the control of the Secretary of the Interior and subject to be withdrawn from the Treasury, and disbursed by his direction without the action of Congress.

Very respectfully,

WILLIS VANDEVANTER,
Assistant Attorney-General.

The SECRETARY OF THE INTERIOR.

Approved, March 3, 1898.

C. N. BLISS, *Secretary.*

[First indorsement.]

MARCH 3, 1898.

ASSISTANT ATTORNEY-GENERAL FOR THE DEPARTMENT OF THE INTERIOR:

Decides that the Government has no right to retain longer in its possession the money, \$15,335.76, deposited by the Chicago, Milwaukee and St. Paul Railroad Company, in 1881, to be applied for purchase of right of way (lands) through Sioux Indian Reservation in Dakota, and that it should be returned to the company if it is still under the control of the Secretary of the Interior and subject to withdrawal from the Treasury, and disbursed by his direction without the action of Congress.

Decision is approved by Secretary of the Interior, by indorsement hereon.

[Second indorsement.]

DEPARTMENT OF THE INTERIOR, *March 4, 1898.*

Respectfully referred to the Commissioner of Indian Affairs, who is hereby directed to cause an account to be stated and forwarded to the Secretary of the Treasury, for settlement, in favor of the Chicago, Milwaukee and St. Paul Railroad Company, for \$15,335.76; the same being a refundment on account of a payment made by said company for the purchase of right of way through the Sioux Indian Reservation, in Dakota, in 1881, per appropriation warrant No. 39, of May 20, 1891, titled: "Payment to Sioux Nation, right of way Chicago, Milwaukee and St. Paul Railroad Company."

C. N. BLISS, *Secretary.*

UNITED STATES DISTRICT ATTORNEYS AND MARSHALS.

MAY 13, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. CONNOLLY, from the Committee on the Judiciary, submitted the following

REPORT.

[To accompany S. 1726.]

The Committee on the Judiciary, to whom was referred Senate bill No. 1726, submit the following report:

Under section 769, Revised Statutes, district attorneys are appointed for a term of four years, and their commissions cease and expire at the expiration of four years from their respective dates.

Under section 779, Revised Statutes, marshals are appointed for a term of four years.

In practice it frequently occurs that the term of a district attorney or marshal expires during the active progress of a term of court, when the services of a district attorney and marshal are required every day; and as neither the district attorney nor marshal is authorized to act as such after the expiration of the four-year term for which he is commissioned, the happening of such a vacancy causes an interruption of the business of the court and often works great harm and expense to the Government as well as to litigants. True, such a vacancy may be temporarily filled under section 793, Revised Statutes, by appointment of the circuit justice of the circuit in which the vacancy occurs, but the circuit justice is not always to be found in the circuit and time is wasted in ascertaining his whereabouts.

The purpose of this bill is not to change the four-year term for which these officers are appointed, but to permit them to discharge their respective duties until their successors shall be appointed and qualified, unless sooner removed by the President, thus preventing the necessity for an interruption of the business of courts on the expiration of the four-year terms of these officers.

The second section provides that vacancies in either of these offices may be filled by the district court for the district where such vacancy exists or by the supreme court of the Territory or District of Columbia.

This is much better than to leave such appointment to the justice of the circuit. It places the power of appointment where it can be promptly exercised and thus save any interruption of the business of the court.

Your committee therefore recommend the passage of the bill.

SWAMP-LAND GRANTS.

MAY 13, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. LACEY, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 4932.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 4932) entitled "A bill to finally adjust the swamp-land grants, and for other purposes," beg leave to submit the following report, and recommend that said bill do pass:

This bill in like form has been considered by the Public Lands Committee in several Congresses, and has been repeatedly reported favorably to the House. The present bill being identical with H. R. 7383, Fifty-fourth Congress, first session, the report thereon (No. 853) will express the views of the committee and be found to contain complete information on the general subject of swamp-land grants and the necessity for their final adjustment.



R. H. WOODS.

MAY 13, 1898.—Laid on the table and ordered to be printed.

Mr. STALLINGS, from the Committee on Pensions, submitted the following

ADVERSE REPORT.

[To accompany H. R. 5851.]

The Committee on Pensions, to whom was referred the bill (H. R. 5851) granting increase of pension to R. H. Woods, have considered the same and respectfully report:

The claimant is a pensioner at \$8 per month on account of service as a private in Captain Sargent's company, First Georgia Volunteers, Mexican war. The bill proposes to increase this pension to \$20 per month, but no good ground is presented upon which to justify such action. Under an act of Congress passed January 5, 1893, the claimant can secure an increase to \$12 per month upon showing dependence and inability to earn a support. He appears, however, never to have made application under that act, and until all sources of relief under existing general laws are exhausted your committee believe that no action should be taken by Congress.

The bill is therefore returned, with the recommendation that it do not pass.

○

ELIZABETH BARNUM.

MAY 13, 1898.—Laid on the table and ordered to be printed.

Mr. WEYMOUTH, from the Committee on Pensions, submitted the following

ADVERSE REPORT.

[To accompany H. R. 4654.]

The Committee on Pensions, to whom was referred the bill (H. R. 4654) granting a pension to Elizabeth Barnum, have considered the same and report:

The claimant made application at the Pension Bureau as the widow of Enoch Barnum, a soldier of the war of 1812, but the claim was disallowed on the ground of insufficiency of service, the soldier having a record of but five days' service in the Army of the United States, including one day's travel. The adjutant-general of the State of Vermont reports eight days' additional service in another company, but the War Department has no record of same, and the last organization seems to have been in the State militia only. There is no evidence that the soldier ever participated in battle.

Mrs. Barnum was married to the soldier in 1830 and he died in 1852. She is now about 86 years old and in necessitous circumstances, but your committee fail to find sufficient ground upon which to recommend favorable action on the bill. The service was exceedingly brief, and, as stated above, there is nothing to show that he ever participated in battle.

The bill is returned with the recommendation that it do not pass.

JORDAN THOMAS.

MAY 13, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STRODE, from the Committee on Pensions, submitted the following

REPORT.

[To accompany H. R. 8862.]

The Committee on Pensions, to whom was referred the bill (H. R. 8862) granting an increase of pension to Jordan Thomas, have considered the same and respectfully report as follows:

The claimant was a private in Company H, Third Kentucky Volunteers, and served from September 16, 1847, to July 21, 1848, in the Mexican war.

Mr. Thomas is now a pensioner at \$12 per month under the Mexican war pension acts of January 29, 1887, and January 5, 1893.

He is 81 years old, unable to do any labor by which to earn a support for himself and aged wife, and without property or income aside from his pension.

There are many precedents for the proposed legislation, and in view of the facts set forth above the passage of the bill is respectfully recommended, with an amendment fixing the rate of pension at \$18 per month.

I. WINSLOW AYER.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MESICK, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 5748.]

The Committee on War Claims, to whom was referred the bill (H. R. 5748) for the relief of I. Winslow Ayer, submit the following report:

It is in evidence that the claimant was educated at Harvard University, Boston, Mass., and duly graduated in medicine and surgery and for many years was well known in authorship and journalism; that for more than two years from and after the breaking out of the war the claimant, without any charge or aid, to or from any source, recruited for the Union Army in various localities at his own expense, and in one instance paid a large bounty to secure an enlistment. His patriotism and zeal could not have been surpassed. In 1861 the claimant with his family resided in Kentucky, where in 1862 he became aware of the presence of a secret, sworn, treasonable organization, "Knights of the Golden Circle," having membership in the State and rapidly extending into adjoining States. Its design was subversion of the Government of the United States, the establishment of a northwestern Confederacy, and aid of the public enemy. In Chicago, July, 1864, there were three entire regiments of "Sons of Liberty," and in the State of Illinois 100,000 men in the order.

These facts were known to the claimant but were a secret to the Government officials in the city of Chicago and the State of Illinois.

The claimant, upon counsel with United States Senator I. N. Arnold, of Chicago, hastened to Springfield, Ill., and imparted the facts to Governor Yates. Having convinced the governor of the magnitude of the organization, he was urged to push his investigations to the utmost, being assured by the governor that he should receive Government recognition and reward.

Claimant, feeling that he had fully discharged his duty, declined to go further as a civilian, assuring the governor that the efforts of a mere detective would be almost certain to fail.

The claimant stated that if provided with a military commission of suitable rank he would give his best efforts to the work.

Governor Yates fully acquiesced in this request and promised the commission of colonel. The claimant accepted the assurance of the governor, who then gave him a letter to Brig. Gen. Halbert E. Paine, then in command of the district of Illinois, and to General Paine he reported for duty on or about July 1, 1864.

He was immediately placed in communication with Col. B. J. Sweet, commanding Camp Douglass, but recognized Major-General Hooker and Brigadier-General Paine as his superior officers and reported directly to them.

The affidavits of several Government officers and other reputable citizens are hereto attached showing the character and value of the services rendered by Mr. Ayer.

Affidavit of James H. Keeler, of Chicago.

I, James H. Keeler, on oath, depose and say that I am personally acquainted with Dr. I. Winslow Ayer. I first knew him in 1864. He was a property holder in Chicago, Ill., and was, I believe, very prosperous in business, having a large, rapidly increasing, and lucrative practice as a physician. I learned that said Ayer was engaged in the service of the Government, in investigating designs and plots of secret treasonable organizations. I remember that certain arrests of alleged conspirators were made in Chicago early in November, 1864, and that said Ayer was a witness for the Government. Soon after that time I learned that said Ayer's professional practice was ruined by his connection with the conspiracy service, and I know that he was in financial distress at the time. As a real estate agent, I sold his house and lot for him, which he occupied at the time of the sale for his family residence, and I think the most of the money resulting from the sale went to his creditors and claimants.

I always regarded the said Ayer as a gentleman of excellent character, and I believe that the ruin of his business and loss of his property was due to the popular feeling against him in consequence of the nature of his services concerning the conspiracy, preventing his success in business and seriously affecting his standing and good repute as a citizen. It is my opinion that the community believed said Ayer had abandoned his profession for the calling of a common detective, or that he had betrayed his fellow-conspirators to save himself from their fate, and hence the state of popular feeling was adverse to success in the practice of his profession as a physician, and damaging to his reputation as an honorable gentleman.

JAMES H. KEELER,
Chicago, Ill.

Subscribed and sworn to before me this 23d day of July, A. D. 1889.

[SEAL.]

F. HOFFMANN, Notary Public.

CHICAGO, May 10, 1865.

DEAR SIR: Constant and pressing engagements have prevented my acknowledging at an earlier day my appreciation of the great service you have rendered the country.

I remember that last summer you called upon me and stated your belief in the existence of a widespread conspiracy, having its agents, some of them, in our very city. So startling were your disclosures that it was difficult to believe that anything so infamous could exist. Subsequent events and the terrible tragedy, developing such fiend-like atrocity at Washington, have shown that we were all too slow in guarding against traitors and their barbarous plots. My intercourse with you impressed me with your sincerity and patriotism and sincere desire to serve the country. For the courage, vigilance, and activity you have displayed you are entitled to the gratitude of the people. Your assistant, Robert Alexander, I have known for several years, and always regarded him as a most active and efficient man, of great skill as an officer. Both of you are, in my judgment, well entitled to the favor of the Government.

Very respectfully, yours,

ISAAC N. ARNOLD, M. C.

Dr. I. WINSLOW AYER.

Affidavit of W. H. Rand, of Rand, McNally & Co., publishers, Chicago.

I, William H. Rand, of Chicago, Ill., do on oath depose and say that I know Dr. I. Winslow Ayer; that during the early part of the summer of 1864 said Ayer informed me that he had obtained information which convinced him that a dangerous and widespread conspiracy existed in Chicago and throughout the State of Illinois, and in certain other States, having for its purpose the causing of a rebellion in the North against the Government of the United States, and that it included in its designs the pillage and destruction of Chicago, and simultaneous release of all prisoners of war in Camp Douglas and all the Northern prisons, and that he felt it his duty to inform the authorities of the facts, and asked my advice as to the proper way to do so. I gave him a letter of introduction to Hon. Isaac N. Arnold, Member of Congress, residing in Chicago, and advised said Ayer to communicate all the information to said Arnold. Later, I learned of the exposure to the Government of plots of conspirators and of the arrest, trial, and conviction of persons for conspiring to release the prisoners of war in Camp Douglas, and to lay waste and destroy the city of Chicago in the manner first stated to me by said Ayer. In my acquaintance with said Ayer I ever regarded him as a gentleman of excellent character, education, and culture, and a sincere and zealous patriot. I have no doubt that but for his timely and efficient services for the Government the terrible plots of the treasonable organization would have been executed. The facts above stated are well remembered by me.

W. H. RAND.

COOK COUNTY, *State of Illinois*, ss:

Sworn to and acknowledged before me, Robert B. Martin, notary public, Cook County, State of Illinois, June 14, 1889.

[SEAL.]

ROBERT B. MARTIN,
Notary Public.*Affidavit of Col. L. L. Wilson, of Chicago, Ill.*

I, L. L. Wilson, of Chicago, Ill., on oath, depose and say that I am well acquainted with Dr. I. Winslow Ayer; that I first knew him in Chicago in 1864 as a physician, having a very extensive, rapidly increasing, and lucrative practice. He was then and ever since has been a gentleman of irreproachable character.

During the summer of 1864 I was a patient in his office, and on one occasion said Ayer stated to me that he had become possessed of information of the gravest character and highest importance to the United States Government; that in early time it would be known to the public and would startle the community, especially in Chicago; that it related to certain plots against the Government. Early in November, 1864, many persons were arrested in Chicago charged with conspiring to release the prisoners of war in Camp Douglas and to pillage and burn the city of Chicago. The alleged conspirators were tried by a military commission in Cincinnati, Ohio, and several of them convicted and sentenced.

Among the many witnesses of the Government was Dr. I. Winslow Ayer, the party aforesaid. No sooner had he given his testimony than he was denounced by the Chicago Times newspaper as a spy and informer, and by great numbers of persons in Chicago as a traitor to his brethren, who had given evidence against them to save himself from prosecution, and by other persons he was called a detective.

The obloquy and hatred of said Ayer by the general public, for the reason above stated, was so great that his medical practice was destroyed. He received threatening letters, and at one time an attempt was made upon his life, he being fired upon by some unknown party in the nighttime, on his own premises, two bullets passing in close proximity to his head, an account of which was published in the Chicago Evening Journal newspaper.

The bitterness of feeling against said Ayer was further intensified by the comments of Lawyer Hervey, one of the counsel for the prisoners before the military commission in Cincinnati, in the winter of 1864-65, a report of which was published in the journals of the day, in which report appeared the following words, viz: "Some two hundred years ago there was a man in England who swore away the lives of his fellow-citizens by wholesale. His name was Dr. Titus Oates, the man who got up what was called the popish plot, and by perjury and villainy consigned many an innocent head to the scaffold. He was assisted by a man who has, as no other judge has, disgraced the ermine—Jeffries, who drank himself to death in the tower, where his coworker in iniquities and evil deeds, with dreadful and condign punishment, followed him.

"The effort of nature to produce so great a monster was so terrible that it required a resting spell of two hundred years before she could produce another such monster in the shape of Dr. I. Winslow Ayre."

Said Ayer's medical practice was destroyed, his good name defamed, and in peril of assassination he was compelled to remove from Chicago and go elsewhere to provide for his family and himself. The popular animosity in Chicago against said Ayer was, in my opinion, due to the fact that he was not protected with an officer's commission, and was supposed to have acted in the matter as a private citizen and from base motives.

Not until the protracted trial in Cincinnati was ended, and the verdict rendered, was the fact generally recognized by the community in Chicago that a conspiracy against the country and against Chicago had existed.

I had, early in the summer of 1864, been informed by said Ayer of the character of the services he was then rendering the Government, and I have reason to believe that it was in consequence of said Ayer's services that the formidable conspiracy of the "Sons of Liberty" was broken up.

L. L. WILSON.

Subscribed and sworn to before me this 12th day of June, A. D. 1889.

D. S. BOLKCOM, *Notary Public.*

NEW YORK, June 26, 1889.

DEAR SIR: Your favors of the 10th and 23d instants were duly received. The facts about which you desired me to give my affidavit had largely passed from my memory, and before I could make oath to them I was compelled to go back and look up records and memoranda so as to refresh my recollection. This, together with the exacting duties of professional work, have caused delay.

Inclosed I send you the affidavit with some few verbal alterations and immaterial changes.

I regret to learn that the world has not gone well with you, and trust that you may be successful in receiving recognition and substantial compensation for the good work which you did for the Government in 1864.

There are no expenses or charges connected with the matter so far as I am concerned.

Yours, very truly,

HENRY L. BURNETT.

I. WINSLOW AYER, *Milton, Mich.*

Affidavit of Gen. H. L. Burnett, judge-advocate.

I, Henry L. Burnett, of the city, county, and State of New York, on oath do depose as follows, viz:

That during the autumn of 1864 I became acquainted with Dr. I. Winslow Ayer, in Chicago, said Ayer having been introduced to me by Col. B. J. Sweet, commanding the post Camp Douglas, and commended by said Sweet as being engaged in the service of the Government in the investigation of the treasonable plots and designs of the so-called "Sons of Liberty," a secret, sworn, treasonable organization existing in Indiana, Illinois, and elsewhere. I was judge-advocate of the military commission held in Cincinnati, Ohio, in the winter of 1864-65, for the trial of St. Leger Grenfel, Charles Walsh, Richard T. Semmes, and others, who were arrested in the city of Chicago, Ill., November 6, 1864, on a charge of conspiring to liberate the prisoners of war in Camp Douglas, and to lay waste and destroy the city of Chicago. During the trial, which occupied several weeks, I was most favorably impressed with the loyalty and efficiency of said Ayer. The accused—Grenfel, Walsh, and Semmes—were convicted upon all the charges and specifications of the indictment and severally sentenced.

On more than one occasion I have heard Colonel Sweet express commendation of said Ayer and the services he had rendered the Government; and the evidence of all the witnesses for the Government convinced me that there had existed a most extensive and formidable secret treasonable organization in Chicago and elsewhere, which, had its designs and plots not been timely disclosed to the Government, would have caused great disaster to the city of Chicago and the country, and I believe that the said Ayer rendered valuable services to the Government in investigating and disclosing the said treasonable plots. While I was in Washington, in discharge of my duties as judge-advocate of the military commission engaged in the trial of the assassins of President Lincoln, I received a letter from said Ayer giving certain important information which led me to reply that "in my opinion the accursed treasonable order 'Sons of Liberty' had much to do with bringing into existence the state of feeling the venomous bitterness of which had culminated in the assassination of Mr. Lincoln."

From the testimony given before the military commission convened for the trial of the Indiana conspirators and military commission at Cincinnati, I was convinced that in 1864 there existed in certain Northern States, as well as in the border States, a widespread conspiracy to actively aid the rebels in arms against the Government, which was virtually broken up by the action of the Government in the arrest, trial, and conviction of the conspirators in Indianapolis and the Chicago conspirators at Cincinnati, and that the timely information given to the authorities by said Ayer was of great value and importance to the Government. I was impressed from first to last, in my acquaintance with said Ayer, that he was zealous and patriotic and discharged his duties to the Government in a skillful and prudent manner.

I attach hereto an original letter from General Sweet, marked with my initials (H. L. B.), received by me while engaged in the trial of these Chicago conspirators, which bears upon this subject.

New York City, June 26, 1889.

[SEAL.]

HENRY L. BURNETT.

THOS. B. EDELL,
New York County.

WAR DEPARTMENT,
Washington City, May 26, 1865.

DEAR SIR: I have the honor to acknowledge the receipt of yours of the 16th instant. The evidence in the assassination cases is closed on the part of the Government. It would not have been possible in this trial to have entered upon the investigation indicated in your letter. I have no doubt but that that accursed treasonable order of the "S. O. L." had much to do with the bringing into existence the state of feeling—the venomous bitterness—which culminated in the assassination of Mr. Lincoln.

If Colonel Sweet does not desire to publish my argument in those cases at Cincinnati, of course I have no objection to your doing it. Mr. Pitman informed me that the manuscript was sent him some time ago.

I think these cases now on hand will close next week. Until then I am buried under a crushing load of work.

Yours, ever, for the good cause,

H. L. BURNETT.

Dr. I. WINSLOW AYER, *Chicago, Ill.*

Certificate of Col. B. J. Sweet.

HEADQUARTERS, POST CAMP DOUGLAS,
Chicago, Ill., May 9, 1865.

I hereby certify that Dr. I. Winslow Ayer, of Chicago, Ill., from and after the 1st day of July, 1864, up to the 1st day of January, 1865, furnished information concerning the general nature, character, and purposes of the "Sons of Liberty," as developed in the meetings of the local branch of that order, and the statements of its members at Chicago, Ill., by written reports to me.

Very respectfully submitted.

B. J. SWEET,
Brevet Brigadier-General, Commanding Post.

JACKSONVILLE, ILL., *May 6, 1865.*

DEAR SIR: Yours of April 29 is just before me, on my return from Springfield. I will only say just now you are entitled to the greatest consideration and highest gratitude of the people for your conduct in bringing to light the dangerous conspiracy, and it is very strange that due credit has not been given you long ago. I have wondered why your agency in the matter has been kept so still. The most pressing duties have kept me from watching the progress of the trials and parties who have been connected therewith. Mr. Arnold and I can say much for your effective agency in the premises.

In haste, truly, yours,

RICHARD YATES.

I. WINSLOW AYER, M. D.

JACKSONVILLE, ILL., *May 20, 1865.*

DEAR SIR: It affords me great gratification to know of the successful completion of your perilous and most difficult undertaking. When you called on me in Springfield last July, and stated your conviction that there was a dangerous conspiracy

in our State, I felt it my duty to express an earnest desire to learn the truth, thereby the better to protect the public interest, and when I introduced you to Brigadier-General Paine it was with fullest confidence that the work was in the right hands. It was indeed a delicate and responsible trust, the faithful execution of which might imperil even life itself, and had the work been confided to a person of less patriotism, prudence, firmness, perception, and ability than yourself, the investigation would have been futile and the disaster would probably have been precipitated. It was, I know, painful in the extreme for you to have been regarded even for a time as a Copperhead, but your friends—and they are all loyal men—know that you entered the organization from the most commendable motives, and your countrymen will do you justice.

I have been apprised by your letter that Mr. Robert Alexander united his efforts with yours, and that his services have contributed to complete success in breaking up this organized band of traitors. You will express to Mr. Alexander my deep sense of gratitude for the noble and fearless part he has taken.

Our countrymen will ever appreciate the service you have rendered. It is too apparent to all thinking men even to require special remark, that, had you not foiled those desperate conspirators at the very moment you did, an irreparable disaster to our glorious cause would doubtless have ensued, for with thousands of released rebels and their numerous treasonable allies in our midst, who can estimate the extent of the crimes they would have perpetrated. Those who write the history of this struggle through which we have passed and record the names of men who have rendered efficient aid to our country, will not forget the noble self-sacrificing task of yourself and your assistant, Mr. Robert Alexander.

Very respectfully,

RICHARD YATES.

Dr. I. WINSLOW AYER.

HEADQUARTERS NORTHERN DEPARTMENT,

Chicago, May 3, 1865.

DEAR SIR: Now that the trial before the military commission in Cincinnati is closed, I have the pleasure, as it is my duty, to express to you, in behalf of myself and our country, my sincere thanks for the very great service you have rendered the Government.

It was you, I believe, who first apprised the authorities of the existence of the formidable plots which, but for your timely discovery, would doubtless have been attended with great disaster to the General Government and would have resulted in the destruction of your city; indeed, it is not easy to calculate the evils which would have resulted in the culmination of the plots of our secret enemy.

Your dispatches from the hour of your entering the organization of traitors till the breaking up of their leagues were of immense importance to the Government. I cheerfully acknowledge your promptness in furnishing reports to the brigadier-general commanding the district of Illinois and to the commandant of the post at Chicago, and your concurrence with that officer in this period of most imminent peril. I was early apprised of the fact that Mr. R. Alexander had at your request entered upon the hazardous undertaking with you, and your dispatches have ever recorded his valuable aid. To him my heartfelt thanks are due in behalf of myself and our country.

No one can more fully appreciate than myself the value of such services, and all loyal men will join me in an expression of gratitude to you. Your duties have been fearlessly and honorably performed, and loyal men in whatever section of the country will acknowledge your services as among the most important and perilous of the war, and your fellow-citizens in Chicago can not but regard you as the person who by timely information warded off the destruction of that city. To your meritorious acts and motives this acknowledgment is justly due and cheerfully accorded.

Very respectfully, your obedient servant,

JOSEPH HOOKER,
Major-General, Commanding.

Dr. I. WINSLOW AYER.

Affidavit of Post Adjutant Shurly.

E. R. P. Shurly, late assistant adjutant-general, Camp Douglass, Ill., having been duly sworn, deposes and says that during the summer and autumn of 1864 he was on duty at Camp Douglas, Chicago, Ill.—that post being under command of Col. B. J. Sweet, Eighth Regiment, V. R. C.—as post adjutant, and in the discharge

of that duty was well informed of the transactions at headquarters and the condition of the camp. About November 1, 1864, we held as prisoners of war, including Morgan's command, about 13,000 men. The garrison consisted of about 500 officers and men, a number wholly inadequate to safely guard the prisoners and repel an attack from an armed enemy from the outside. The garrison could not be used to protect the city of Chicago in the event of an attack by an armed enemy. He often saw I. Winslow Ayer, M. D., at the camp and was aware that he was acting in the interest of the Government; knew that he had frequent interviews with Colonel Sweet. He transmitted written reports to him concerning a secret treasonable organization; that upon several occasions he had received these reports; they were of great importance and value to the Union cause; had frequently heard Colonel Sweet speak of the important service rendered the Government by said Ayer and commend his courage and intelligence; that he believes the course taken by Dr. Ayer in the matter caused him heavy pecuniary loss; that he knew of the arrest of many persons in Chicago on the night of November 6, 1864, for conspiring against the Government and to release the prisoners of war and destroy Chicago.

By directions of Colonel Sweet, he issued orders for the seizure of arms, stored in places adjacent to Camp Douglas; large numbers of muskets, pistols, carbines, guns, with an immense quantity of ammunition, was captured. Dr. Ayer rendered the Government the most valuable service in timely warning said Sweet of the plots of the conspirators operating in Chicago; furthermore, that he is entitled to the consideration of the Government for the valuable services rendered at the risk of his life.

E. R. P. SHURLY,
*Late Assistant Adjutant-General, Camp Douglas, Ill.,
Brevet Captain and First Lieutenant, U. S. A.*

Subscribed and sworn to before me this 5th day of August, 1889.

HENRY WULFF,
Clerk County Court.

Affidavit of Charles W. Ayer.

I, Charles W. Ayer, on oath depose and say, that in the years 1863 and 1864 I was assistant bookkeeper and corresponding clerk in the office of Dr. I. Winslow Ayer. In pursuance of my duties, I knew the affairs of the office of said Ayer in every detail of finance. I know that during the year 1863 the income of Dr. I. Winslow Ayer from the practice of his profession was considerably over \$9,000. The first six months of the following year made even a better proportionate exhibit, but the last six months of that year the receipts were very light, scarcely enough to defray the incidental expenses, which fact was, in my opinion, owing to the almost constant absence of said Ayer from his office.

Both I and E. N. Tucker, head bookkeeper, remonstrated with said Ayer concerning his neglect of his profession, to which said Ayer replied that he was engaged in the service of the Government, which demanded his closest and constant attention, and if it cost him his business, his property, and his life he would not abandon nor neglect the work for which he was engaged, and which was of the greatest importance. I did not then know the nature of his duties in detail, but later learned that he was investigating a formidable conspiracy against the Government. I often saw him give sealed dispatches to the orderly or messenger of Col. B. J. Sweet, commandant of Camp Douglas. Colonel Sweet was often in the office and occasionally called at the residence of said Ayer, and said Ayer went almost daily to Camp Douglas.

After the arrest of conspirators in Chicago, in November, 1864, I saw one J. L. Rock, in the office of said Ayer, and heard him ask said Ayer "who had betrayed the order to the authorities," and added, "If it was you, better a thousand times be Charley Walsh than Dr. Ayer." During the progress of the trial of the conspirators by the military commission in Cincinnati, and before said Ayer had gone to Cincinnati to testify, one evening as he returned from Camp Douglas, and was stepping from his carriage in his carriage house, two bullets were discharged from a revolver or other firearm, by some unknown party on the outside of the building, both bullets lodging in an upright oaken support in a direct line of said Ayer's head. The discharge of the shots was heard by me and by the family of said Ayer. I extracted both bullets from the oaken upright.

The said Ayer went to Cincinnati and testified as a witness for the Government. Several leading conspirators were convicted, and among them the aforesaid Charles Walsh. After the said Ayer had testified before the military commission his professional business almost ceased, and notwithstanding expenditures and efforts upon

his part to reestablish his business it was ruined, and said Ayer was obliged to leave Chicago in his efforts to obtain support for his family, and became reduced to poverty. His homestead had been sold, and every dollar resulting from such sale was paid to his creditors; his horses, all his furniture, even to his and his wife's personal property, were all sacrificed to satisfy his debts and in fruitless efforts to establish his practice in his profession. Wherever he went he was pursued by anonymous threatening letters, and for a long time this form of annoyance and persecution was continued until he left the State, and without a home or any resources whatever. I have not a doubt that the ruin of said Ayer's business and loss of property was solely due to the nature of his services for the Government, unsupported by any commission or warrant, in consequence of which said Ayer was held in public esteem as a detective or State's evidence against his comrades in treason to insure his own safety. No public recognition of his real character or motives has ever been made by the Government, to the best of my knowledge and belief.

CHARLES W. AYER.

Subscribed and sworn to before me this 22d day of July, 1889.

ROBT. CASEMENT,
Notary Public for the County of Genesee, State of Michigan.

HEADQUARTERS NORTHERN DEPARTMENT,
Cincinnati, Ohio, December 21, 1864.

SIR: I am directed by the major-general commanding the department to acknowledge your letter of December 16, and to state in answer that no one appreciates more than himself the value of your services to the country during the last few months, and no one will do more to have you satisfactorily remunerated; the only question in his mind being the mode of doing it. In his opinion it will be no use to apply for a commission, as you suggest, as there is no reasonable cause for supposing that it will be granted. The medical staff is organized with a view to the wants of the Army professionally, and the authorities under the law, in my judgment, confer commissions only on those persons it designs shall render medical service. What is true of the medical department is equally so with the other branches of the staff. The General does not know of a single instance in the history of the Government in which commissions have been given for services rendered outside of the department.

A better way for you to be remunerated will be to make out an account against the Government for the time you have been serving it, and have Colonel Sweet certify to it and have it forwarded through this office to the Secretary of War. In this have the amount of pay determined on be sufficient to compensate you for services, and at the same time reimburse you for all expenses incurred in the discharge of your duties. This is just and equitable, and will, no doubt, be allowed.

Very respectfully, your obedient servant,

WM. H. LAWRENCE,
Major, Aid-de-Camp.

I. WINSLOW AYER, *Chicago, Ill.*

HEADQUARTERS, POST CAMP DOUGLAS,
Chicago, Ill., January 5, 1865.

MAJOR: The bearer, Mr. Robert Alexander, together with William Hull, come as witnesses against Judge Morris.

Dr. Ayer will come to-morrow night. All will testify that Morris made the most inflammatory speeches in the meetings of the order, and said the camp would be attacked and the prisoners, who were their friends, released, and that the order would make a general uprising against the "God-damned abolitionists."

Dr. Ayer and Mr. Alexander have all along been in our confidence, working without pay, and are reliable in every way.

Please show them every attention which they want.

Yours, very truly,

B. J. SWEET,
Colonel Commanding.

Maj. H. L. BURNETT,
Judge-Advocate, Cincinnati, Ohio.

Affidavit of Brig. Gen. H. E. Paine, commanding the district of Illinois.

District of Columbia, C. C.:

Halbert E. Paine, having been duly sworn, deposes and says as follows:

In the summer of 1864 I was a brigadier-general in command of the district of Illinois, with headquarters at Springfield. Dr. I. Winslow Ayer, then of Chicago, called upon me at Springfield with a letter of introduction, I believe from Governor

Yates, and stated that he had information which convinced him of the existence of a very extensive and formidable conspiracy against the Government by a sworn and secret organization, which included thousands of members in the State of Illinois and in certain other States; that it was well organized and was rapidly gaining in strength; that it had plotted a revolution in the North, the release of the prisoners of war in Camp Douglas and in other Northern prisons, and the pillage of Chicago and other Northern cities. He expressed his confident belief that, if properly sustained by the Government, he would be able to furnish such evidence as would put it in the power of the Federal authorities to frustrate the plans of the organization and break it up. I was at first incredulous, both as to the facts and as to Dr. Ayer's ability to accomplish what he proposed, but he seemed to be an earnest Union man and to rely implicitly upon information which he had obtained respecting the extent and dangerous character of the alleged conspiracy.

He stated that he was a physician and had a lucrative practice in Chicago, but was willing to hazard all his interests and his life in the service of his country; that he would expect to be sustained by the Government and to receive proper recognition for his services, in the form, I believe, of a staff commission in the Army. I intended, in the event of his successful exposure of the alleged conspiracy, to do all in my power to secure a proper reward for his services. I gave him a letter of introduction to Col. B. J. Sweet, commanding the post at Chicago, and requested Dr. Ayer to continue his investigations and to report to Colonel Sweet, to whom I communicated by letter my purpose to exert myself at Washington to secure appropriate recognition and reward for him if his services should prove commensurate with his expectations and promises. I believe that the rescue of the 9,000 prisoners in Camp Douglas and the pillage of Chicago was prevented, and the seizure of large quantities of concealed arms and ammunition and the punishment of the convicted conspirators secured by reason of the timely information furnished by Dr. Ayer.

I observed his course with hearty approval, and subsequently made a written statement, which I now repeat, that the success of said Ayer was complete, and, with my personal knowledge of his services, I find it difficult to overestimate their value and importance to the Government.

No staff appointment has, to my knowledge, been conferred upon Dr. Ayer, nor has he to my knowledge ever received any military rank or title, or any other recognition by the Government for his meritorious and perilous services.

[SEAL.]

H. E. PAINE.

Subscribed and sworn to before me this 5th day of October, 1889.

RUTLEDGE MUSARD,
Notary Public.

Affidavit of I. Winslow Ayer.

In addition to the depositions I have hitherto made, I, I. Winslow Ayer, claimant in the case in my favor now pending in Congress, do solemnly swear that, to the best of my knowledge and belief, the total expenditures from my own private funds made by me incident to my services from first to last for the General Government, as set forth in the evidence in said case, was at least \$10,000.

The items of expenditures can not be accurately specified, for the reason that the books and papers in which these specifications had been duly recorded were consumed in the great fire in Chicago, Ill., October, 1871.

I further depose and say, that I used funds when needful to best serve the interests of the Government, and only so, and that I accomplished perfectly all I undertook to do, as is attested by my superior officers, witnesses in said case; that the service by its peculiar character was necessarily discretionary with myself as to details, which, among other duties, involved visits to the cities of the entire northern department, as well as New York, Canada, and certain other localities not herein mentioned, and that these duties were both arduous and perilous in the extreme.

To all of which I solemnly swear.

I. WINSLOW AYER, M. D., *Claimant.*

HESPERIA, OCEANA COUNTY, MICH.,
May 11, 1898.

The party swore to the within before me, a justice of the peace.

H. E. STEBBINS.

Your committee, in view of the foregoing statement of facts, recommend the passage of the bill with the following amendment:

In line 5 strike out "fifty thousand" and insert in lieu thereof "twelve thousand."

WESLEY VAN OVER.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GRIFFIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 1778.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1778) for the relief of Wesley Van Over, late of Company C, One hundred and ninth New York Volunteers, and Company G, Eighth Pennsylvania Cavalry, having had the same under consideration, respectfully report:

It is shown by the records of the War Department that Wesley Van Over was enrolled August 11 and mustered in August 12, 1862, as a private in Company C, One hundred and ninth New York Infantry Volunteers, and is reported present on the muster roll of the company from the time of his enlistment to October 31, 1862, and on the roll dated December 31, 1862, absent. The regimental return of that date reports him absent sick since December 14, 1862, and that he deserted January 30, 1863, at Laurel, Md., and never thereafter rejoined his command, which remained in service until June 4, 1865. It further appears from such records that this soldier enlisted February 22, 1864, under the name of Charles W. Vanover, as a private in Company G, Eighth Pennsylvania Cavalry Volunteers, and was transferred to Company I, same regiment, and thence by a consolidation of regiments to Company E, Sixteenth Pennsylvania Cavalry Volunteers, with which last-named organization he was mustered out of service on August 11, 1865. The medical records afford no information in the case.

This record further shows that in applying for removal of the charge of desertion and for an honorable discharge as of Company C, One hundred and ninth New York Infantry Volunteers, the soldier testified February 6, 1889, that on or about the last of February or the first of March, 1863, he received permission from his captain and surgeon to go home for fifteen days, and that while at home he contracted the mumps; that when convalescent he was severely attacked with fever, which lasted a long time; that when he finally recovered it was his intention to return to his company, but learning that his captain would

punish him for his failure to return at the expiration of his fifteen days' leave, he was afraid to return, but went to Williamsport, Pa., and enlisted in the Eighth Pennsylvania Cavalry about February or March, 1864, and that he had no intention of deserting the service. The application was denied by the War Department on the ground that his absence between the date of his desertion from said Company C, One hundred and ninth New York Infantry, and the date of his enlistment in said Company G, Eighth Pennsylvania Cavalry, exceeded four months, and because the case did not come within any of the other provisions of the act of Congress approved March 2, 1889.

The soldier's statements under oath filed with the War Department, as given above, respecting his going home and his illness with mumps and fever and his consequent condition of disability, are corroborated by the affidavits filed with your committee, made by the following persons, viz: Jane David, his sister, at whose house the soldier was nursed and cared for during his illness, her name at that time being Jane Webster; Jacob Van Over, his brother, who assisted in nursing the soldier and sat up with him nights and attended him during the day. The following facts are also shown by the two affidavits mentioned: That the soldier during his illness was attended by Dr. E. B. Phelps, who is now deceased; that the soldier was about the age of 19 years; that upon his recovery from his illness it was the soldier's expressed desire and intention to return to his regiment, the One hundred and ninth New York Volunteers, but that during such time his said sister and brother and other members of the family learned that the soldier was under the charge of desertion from said Company C, and that said Jane David, and her then husband, John Webster, and the said Jacob Van Over, and David Van Over, a deceased brother, all urged and implored the soldier not to return to said Company C, they firmly believing that he would be shot for desertion; and said deponents testify to their belief that owing entirely to these importunities the soldier yielded to their wishes and did not return to the One hundred and ninth New York Regiment, but enlisted in the said Eighth Pennsylvania Cavalry; that the said John Webster has also since deceased.

The affidavits of Martin L. Strine and Burris Rolls, who state that they served with the soldier in Company G, Eighth Pennsylvania Cavalry, are also on file with your committee, the deponents each testifying therein to the honorable and faithful service and bravery of the soldier. In all of these affidavits the present place of residence of each deponent is given.

The soldier himself, in an affidavit filed with your committee, deposes to the same facts presented by him to the War Department and hereinbefore recited, and corroborates the statements of his sister and brother respecting the manner in which he was importuned not to return to said Company C on pain of being shot for the alleged desertion, and that he finally yielded to such entreaties; that while serving in said Eighth Pennsylvania Cavalry he was personally present and engaged with said Company C and was under fire at each of the following engagements or skirmishes, viz:

Todd's Tavern, May 8, 1864; Wilderness, May 8, 1864; Spottsylvania, May 10 and 11, 1864; fortifications, Richmond, May 12, 1864; Po River, May 16, 1864; Hanover Court-House, May 23, 1864; Cold Harbor, June 3, 1864; Trevillian Station, June 11, 1864; St. Mary's Church, June 16, 1864; Snicker's Ferry, June 30, 1864; Deep Bottom, August 16, 1864; Strasburg, August 17, 1864; Winchester, August 10 to 23, 1864; Charlestown, August 25, 1864, and Bellfield raid, Decem-

ber 7 to 12, 1864; and also the following engagements and skirmishes, the dates of which he is unable to give, viz: Beaver Dam Station, Yellow Tavern, Meadow Bridge, Chapin Farm, New Market Road, Poplar Springs, Hatch Run, and Dinwiddie Court-House; that the only injury which he received was at Trevillian Station, June 11, 1864, when he was hit in the throat with a spent ball while charging on a battery, but that he was not so injured but what he continued on in the charge with his company.

The good character and reputation of Wesley Van Over is vouched for by very prominent citizens of New York in the communications filed with the committee.

Your committee, in view of all the circumstances, confidently believe that the soldier's failure to rejoin his company upon recovery from the illness mentioned was not due to any intention on his part to desert the service, but to the advice, importunities, and persuasions of his relatives, who apparently magnified the punishment that awaited him should he return, and who felt justified in doing as they did, thinking that it was necessary in order to save the life of the soldier. He was then but 19 years of age, and, being enfeebled by disease, was no doubt easily persuaded by his elder brothers and sister and her husband, and as the absence which resulted in a record of desertion being made against him occurred when he was too ill to be responsible therefor he should not be held accountable for that which necessarily followed, and hence should now be relieved therefrom.

Your committee recommend that the bill be amended by adding, at the end of line 8, the following: "*Provided*, That no pay, bounty, or other allowance shall become due or payable by reason of the passage of this act," and that when so amended the bill do pass.



JOHN E. WILBUR.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GRIFFIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 89.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 89) for the relief of John E. Wilbur, having had the same under consideration, would respectfully report the same back with the recommendation that it do pass.

A similar bill was favorably reported to the House by the Committee on Military Affairs of the Fifty-fourth Congress. The purpose of the measure is to provide for the honorable discharge of John E. Wilbur, late captain Company B, Third Regiment New Hampshire Volunteer Infantry, and that his dismissal of May 11, 1863, be canceled of record in the War Department.

It appears that Captain Wilbur was a brave and gallant officer; that while at Hilton Head orders were given that soldiers should not go to Pinckney Island. Captain Wilbur in December, 1862, being in charge of a body of soldiers, appears to have gone and also sent to find out that everything was right there. He was court-martialed and dismissed the service in April, 1863, but immediately made application to the President to be reinstated, and the same was indorsed by Colonel Bedel and Gen. David Hunter, who were in command of the Department, and those officers, with President Lincoln, were satisfied that Captain Wilbur was guilty of no intentional disobedience of orders and recommended his reinstatement.

The legal authorities having decided that the President could not revoke the sentence of a court-martial after its approval and execution, or reinstate the officer, an order was made removing all disabilities and permitting him to be reappointed by the governor of New Hampshire, and notice to that effect was sent to the governor. It was supposed by Captain Wilbur that his dishonorable dismissal had been fully revoked, and it certainly would have been if the power so to do had been vested in the President.

Your committee, in view of the fact that the supreme Executive

authority of the nation found the case to be one meriting favorable action and exercised all the power which it possessed to that end, and but for a lack of the authority so to do would have fully relieved the officer from the effects of the sentence and penalty of the court-martial, deem it proper that such action of the Chief Executive of the nation should be sustained and the relief sought for granted by the passage of this bill.

The record of the War Department in this case is as follows:

Case of John E. Wilbur, late captain Company B, Third New Hampshire Volunteers.

The records show that John E. Wilbur was mustered into service, as captain, with Company B, Third New Hampshire Infantry Volunteers, August 22, 1861, to serve three years, and he is reported on the muster rolls of that company as follows: From date of muster in to December 31, 1861, present; February 28, 1862, present; "Under arrest, February 23, 1862;" April 30, 1862, to October 31, 1862, present; December 31, 1862, to April 10, 1863, present; "In arrest, December 3, 1862;" April 30, 1863, present; "Sentenced to be dismissed the service, February 5, 1863, subject to approval of the President;" June 30, 1863, "Dismissed the service, General Order, No. 120, War Department, Adjutant-General's Office, May 11, 1863."

Following are copies of orders dismissing him from the service:

GENERAL ORDERS, }
No. 7. }

HEADQUARTERS, DEPARTMENT OF THE SOUTH,
Hilton Head, Port Royal, S. C., February 6, 1863.

I. At a general court-martial which convened at Hilton Head, S. C., on the 18th day of December, 1862, pursuant to Special Orders No. 70, dated December 16, 1862, from headquarters, United States forces, Hilton Head, S. C., and of which Col. Edwin Metcalf, Third Rhode Island Artillery, was president, were arraigned and tried:

1. Capt. John E. Wilbur, Third Regiment New Hampshire Volunteers.

CHARGE I. Disobedience of orders.

Specification 1.—In this, that the said Capt. John E. Wilbur, Third New Hampshire Volunteers, being stationed with a detachment at Talbots, on Skull Creek, for fatigue duty, did take certain enlisted men of his company and pass over Skull Creek with them to Pinckney Island, outside the lines of the United States forces, notwithstanding that the passing over to said island of any person, whether officer or enlisted man, had been strictly prohibited by Brigadier-General Terry, commanding said forces, which prohibition was well known to said Wilbur.

This on and near Hilton Head Island, South Carolina, on or about the 22d day of November, 1862.

Specification 2.—In this, that the said Capt. John E. Wilbur did at a certain other time commit the offenses set forth in the first specification of this charge, under the circumstances and notwithstanding the prohibition therein set forth, which prohibition was well known to the said Capt. John E. Wilbur.

This on and near Hilton Head Island, South Carolina, on or about the 24th day of November, 1862.

CHARGE II.—Conduct prejudicial to good order and military discipline.

Specification 1.—In this, that the said Capt. John E. Wilbur, being under arrest by order of Brig. Gen. Alfred H. Terry, commanding the forces on Hilton Head Island, for the offenses set forth in the first and second specifications of the first charge, did speak contemptuously and sneeringly to Asst. Surg. A. J. H. Buzzell, of said regiment, and to other officers, of said arrest, and of the possibility of his being cashiered for said offenses, saying: "I have had about enough of the service; I would just as lief get out of the service," or words to that effect.

This at Hilton Head, S. C., on or about the 4th day of December, 1862.

Specification 2.—In this, that the said Capt. John E. Wilbur, being in arrest, as set forth in the first specification of this charge, did send Sergt. James S. Kelsey, of Company H, of said regiment, with a pass authorizing him, the said Captain Wilbur, to pass the guards, and directed the said sergeant to go outside the entrenchments and picket guards in said island, with said pass, telling him that he might properly go with said pass, all of which was in direct and willful violation of the orders and regulations duly established and then existing in regard to passing said guards.

This at Hilton Head Island, South Carolina, on or about the 10th day of December, 1862.

To which charges and specifications the accused pleaded as follows:

To the first specification of the first charge, "Not guilty."

To the second specification of the first charge, "Not guilty."

To the first charge, "Not guilty."

To the first specification of the second charge, "Not guilty."
 To the second specification of the second charge, "Not guilty."
 To the second charge, "Not guilty."

FINDING.

The court, having maturely considered the evidence adduced, find the accused as follows:

Of the first specification of the first charge, "Guilty."
 Of the second specification of the first charge, "Guilty."
 Of the first charge, "Guilty."
 Of the first specification of the second charge, "Not guilty."
 Of the second specification of the second charge, "Guilty."
 Of the second charge, "Guilty."

SENTENCE.

And the court do, therefore, sentence him, the said Capt. John E. Wilbur, Third New Hampshire Volunteers, to be dismissed the military service of the United States.

II. The proceedings and findings in the case of Capt. John E. Wilbur, Third New Hampshire Volunteers, are approved. The sentence is, however, suspended until the pleasure of the President of the United States can be made known.

By command of Maj. Gen. D. Hunter:

E. W. SMITH,
Assistant Adjutant-General.

GENERAL ORDERS, }
 No. 120. }

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
 Washington, May 11, 1863.

V. The sentence "to be dismissed the military service of the United States," published against Capt. John E. Wilbur, Third New Hampshire Volunteers, in General Orders, No. 7, Headquarters Department of the South, dated February 6, 1863, and suspended by the department commander until the pleasure of the President can be made known, is approved by the President, and will be carried into execution.

By order of the Secretary of War.

E. D. TOWNSEND,
Assistant Adjutant-General.

It appears from papers on file that soon after his dismissal Captain Wilbur applied to the President for the removal of his disability to reenter the service, and submitted testimony as follows:

(1) Statement of Lieut. Col. John Bedel, Third New Hampshire Volunteers, dated June 1, 1863, of which the following is the text:

"To whom it may concern:

"I was the counsel of Capt. John E. Wilbur, Third New Hampshire Volunteers, before the court by which he was tried for disobedience of orders, etc., in December 1862. I was familiar with all the circumstances of the case and thoroughly conversant with all the evidence submitted, and, with all due respect to the judgment of the court, I was surprised at its finding, and remained so confident that the President would not approve it that I advised the captain to make no effort to influence his action in the premises. I can not concur in the justice of the sentence in this instance. Under date of May 11, 1863, the President has ordered the sentence in his case, published February 7, 1863, to be carried into execution.

"I am even more surprised at this conclusion at this late date than I was at the finding of the court in the first instance. The evidence contained in the record of the case will speak for itself. Captain Wilbur is one who has never flinched from the performance of any duty. He has distinguished himself in battle and proved himself perfectly reliable in case of action, which should go far to excuse him from so severe a sentence for, at most, the technical breach of an order never published or posted up, and by no evidence in the case brought home to his knowledge. Did I for a moment entertain the slightest impression that Captain Wilbur intentionally disobeyed any order, I would be the last person to write or speak a word in his vindication.

"Volunteer soldiers are liable, unwittingly, to lay themselves open to censure for

a noncompliance with strict military rules, and were all our shortcomings judged by such rules there are but few who would escape a severe sentence. The intent with which an act is done should be the criterion of criminality, in my humble judgment. I do not believe the captain was guilty of any intentional disobedience of orders or breach of military discipline."

This statement was indorsed by Maj. Gen. D. Hunter, under date of June 16, 1863, as follows:

"Having examined the case of Capt. John E. Wilbur, late of the Third New Hampshire Volunteers, I am satisfied that the offense of which he was convicted was committed rather from a misapprehension of his duties than from an intentional disregard of the authority of his superior officers.

"The accompanying papers show that he is an efficient and reliable officer. I would therefore respectfully recommend that he be reinstated."

(2) Letter to Captain Wilbur from Col. Edward W. Serrell, New York engineers, dated June 7, 1863, the text of which is as follows:

"DEAR CAPTAIN: I have learned with regret that in consequence of the decision of a court-martial and the final action of the President in the case you have been dismissed the military service of the United States. I have looked over the evidence given on the trial so far as you furnished it me, and I am candid in saying to you that I could not come to any other conclusion, with only that evidence before me, than that which the court did. The case was very clearly against you, according to the testimony. I fear you did not attach sufficient importance to the defense. Now, as I know more of this case, perhaps, than anyone else, I will state my view of it for what it is worth: Some time in November last you met me near the barrier at Hilton Head and asked me if it would be proper for you to cross Skulk Creek from the works at Talbot, now known as Fort Mitchel, to Pinckney Island, to which I replied: 'I am not in command at that outpost.' 'But,' said you, 'all the officers report to you.' 'Yes,' I said, 'as chief engineer of the department, and having the charge of the constructions, the officers commanding working parties report for fatigue duty to me or one of my assistants. All matters of discipline are with the senior officer of the infantry who commands the outpost.'

"I did not then know, which was the case, or, perhaps, knowing it did not remember at the moment, that you were yourself the senior officer of the troops of the line present, and, as such, commanding officer. I remember your reply very distinctly. You said, 'In that event there is no difficulty; I am senior officer myself.' The conversation then turned upon the work to be done. It is not possible that I could have given the orders said to have been 'turned over' to you by the officer you relieved, as I never said anything about it to that officer in the way of orders, well knowing I had nothing to do with such matters. It may have been that I gave him some advice, and probably did, because I wanted as many men kept at the fort as possible; but I never assumed command or exercised command at that or any other of the outposts, excepting over the engineer troops, who were a part of my own personal command on detached duty. Nor is it likely that through me any orders of the general commanding the post were transmitted.

"I was then on the staff of the major-general commanding the department, and personally not under the command of General Terry, who commanded the post. In fact, I remember distinctly giving him the order in the name of the commanding general, to furnish the working parties for the work in question. His adjutant-general at the time asked me who they were to report to, and I told him to myself or any engineer officer on the ground. I also told him in conversation that written orders would be issued from general headquarters, and requests from the Engineer Department, to cover the orders I gave orally; and it was so done afterwards, in order to make the expenditures of material regular. It will therefore be seen that General Terry's orders could not in the usual course be communicated through me; and here I will add that I do not remember any order from anyone that the officers should not go to Pinckney Island. I issued an order, not as commanding the outpost, but as colonel of engineers, that the enlisted men of the engineers should not go over without orders; in fact, the officers were at the time buoying out the channel, and making soundings and surveys, in which some of the artillery assisted.

"I know two steamers were constantly used, and Pinckney Island was not only reconnoitered, but instrumental surveys were made of it during the time the fort was being built. It could hardly be considered outside our lines under the circumstances. I also remember another fact, which is this: The little steamer *Washington*, which I had some guns put aboard of for service in the river, was used in the creeks around Pinckney Island for the express purpose of extending our lines to include that island, or to hold that part within range of the fort until it was done.

"The points you should have made, in my opinion, are these: You were senior officer of the line at the outpost; you never received any orders from the general commanding the post, or from anyone competent to give those orders; that as senior officer it was your duty to learn your situation and the lay of the ground around

you; that you took the opportunity of informing yourself and reported the facts you obtained to the general himself, compared notes and maps with him, and he did not even refer to the impropriety of your act—all of which you should have proved, as it was true.

"You should also have shown your general standing in the Army, which you doubtless took to be well established, as it was, but a court can only act on evidence.

"At the battle on James Island, on June 16, 1862, you evinced a courage and energy not exceeded by any of your brigade. This I know of my own knowledge, for you were under my own eye in the hottest of the fight. Your untiring exertions after that affair and your general efficiency on grand guard, where you have been under my notice, should have been considered. I think you owe it to your country, as well as to yourself, in this hour of trial, to prove your correct position. Efficient and reliable officers are not to be found at every corner, and we all owe it to the cause to retain their services when possible.

"You know how absolutely necessary it is to preserve discipline, and I am the last to do or say anything that would sanction any infraction, but I am equally sorry that the service should be impaired. By every consideration of country first, your own good name, your family and children for generations to come, I charge you to exert yourself to reestablish yourself in your true position. I firmly believe if you had done your duty to yourself on your trial as well as you have done it to your country whenever under my observation, the Commanding General, the Judge-Advocate-General, and the President would have been able to see your case very differently.

"Trusting that you may yet be able again to serve the country as well as you know how to."

The petition of Captain Wilbur was referred by the President, on June 24, 1863, to the Judge-Advocate-General of the Army, who reported as follows:

JUDGE-ADVOCATE-GENERAL'S OFFICE,
Washington, June 25, 1863.

His Excellency A. LINCOLN,
President of the United States.

In the case of Capt. John E. Wilbur, Third New Hampshire Volunteers, referred to me under your indorsement of yesterday, I have the honor to submit the following report:

Captain Wilbur, by a general court-martial convened at Hilton Head on December 22 last, was sentenced to be dismissed the service. Major-General Hunter, commanding the department, in General Order No. 7, of February 6, 1863, approved the proceedings and findings of the court, but suspended the execution of the sentence until the pleasure of the President could be made known.

The case having been referred by the President to this office, it was recommended by me, in an indorsement of February 16 last, that the sentence be carried into effect; and the pleasure of the President was signified accordingly in General Order No. 120 of the War Department of May 11 last.

The case is now presented in a new and more favorable light by the papers and testimonials filed by Captain Wilbur in his application for a reconsideration. These papers make it apparent that he had a better defense to the charges preferred than is shown upon the record. From an examination of these, in connection with the record, the following appear to be the facts and the merits of the case of this officer:

He is charged (1) with "disobedience of orders" in that while stationed with a detachment on picket near Hilton Head he did take certain enlisted men with him and go over to Pinckney Island, outside the lines of our forces, contrary to the strict orders of the general commanding to the effect that no officer or man should pass to said island.

It was not, however, proved that these orders of the commanding general were ever communicated or made known to Captain Wilbur. The assistant adjutant-general testifies that such orders had been given to certain other officers, but it is not shown that they were repeated by these officers to Captain Wilbur, and no general, written, or verbal order of the commanding general is shown to have ever been made upon the subject. This being the principal offense of Captain Wilbur, it was probably held by the court to have been sufficiently proved by an admission of knowledge of the order on the part of Captain Wilbur made after his arrest to a brother officer. But this is evidence of a very inferior description to establish the formal disobedience of an order; and upon reference to the testimony upon the point, the admission of Captain Wilbur is found to have been of an indefinite character, and rests rather upon the impressions of the witness than upon a detailed statement by the Captain. The witness, in fact, says, "I supposed he considered himself as having no authority to visit the island—that was my impression from the conversation I had with him."

On the other hand, it is shown by the statement of Colonel Serrell, commanding the engineer corps of the department, and by testimony adduced on the trial, that Captain Wilbur, on the occasion in question, spoke with Colonel Serrell as to the

propriety of his visiting Pinckney Island, and that the latter replied that having no command over Captain Wilbur, he could not give or withhold his permission, but that he should apply to the senior officer of the line at the post. Colonel Serrell then says that Captain Wilbur informed him that he was himself such senior officer, which is shown to have been the fact. Colonel Serrell further says that Pinckney Island was at this time practically within our lines; that it had been reconnoitered and surveyed with instruments, and that a little steamer had been used in the creeks around the island for the purpose of extending our lines so as to include it within them. He adds that it was proper for Captain Wilbur, as commanding officer of the post, to visit the island for the purpose of learning the situation, etc., of the land in the neighborhood; and he states that the Captain afterwards reported what he had thus learned to the commanding general, comparing at the same time notes and plans with him, without any reference being made by the latter as to the impropriety of the Captain's conduct in visiting the island.

(2) The second charge of which Captain Wilbur was found guilty was that of "conduct prejudicial to good order and military discipline," in that he gave to a sergeant of his regiment a pass, made out to himself, and directed him to go outside the lines with it, informing him that it was proper for him to so use it; all of which was in direct violation of orders issued and established as to the passing of the guards. The offense, as alleged, seems to have consisted in the fact that Captain Wilbur allowed another person to use a pass intended for himself, and that he thus allowed such person to pass the lines in violation of orders.

The character of the pass is not shown. It is, however, testified by the sergeant using it that he had no difficulty in passing the lines with it, and it is inferable from this fact and other testimony that it did authorize Captain Wilbur to pass the lines. It was certainly irregular for the latter to allow another person—and an enlisted man—to use his pass; but no knowledge of the order or orders alluded to is directly brought home to him in the testimony. Such knowledge might perhaps be inferred from the mere fact of his having a pass, if the character and terms of that pass were in evidence.

Further, it appears that the occasion of this loan of the pass by the captain to the sergeant was that the captain had employed the sergeant to go to a mill outside the lines to get some lumber for him (in common with others), and furnished his own pass for the purpose. It is further shown that the sergeant had permission to go on this errand from his own commanding officer, Captain Ayer, and was at the same time furnished with a team, to bring the lumber, by the quartermaster of the regiment.

This second and lesser offense of Captain Wilbur would not, it is believed, have justified the sentence imposed by the court. As to the first offense above considered, it is not regarded (as has been said) as sufficiently proved upon the trial; or, if held to have been made out, it may be viewed as committed under a misapprehension of orders.

Major-General Hunter, under date of June 16 instant, says of this officer: "I am satisfied that the offense of which he was convicted was committed rather from a misapprehension of his duties than from an intentional disregard of the authority of his superior officer. The accompanying papers show that he is an efficient and reliable officer. I would therefore respectfully recommend that he be reinstated."

The papers alluded to are testimonials of the officers of Captain Wilbur's regiment and of Colonel Serrell as to the efficiency and courage of this officer in the field. He is especially shown to have acquitted himself with great credit at the battle on James Island in June, 1862, his good behavior on that occasion being spoken of in the official report of the commandant of the regiment.

Under all the circumstances of the case, it is advised that the recommendation of Major-General Hunter be followed.

In the case of the concurrence of the President in the opinion herein expressed, the following question is suggested: Should the President proceed to remove the disability of the sentence in the usual formal manner, or may he not accomplish the same purpose more directly and simply by revoking his approval of the sentence?

The President, in considering the case and the sentence, is not in the position of a reviewing officer, confined to the strict alternative of an approval or disapproval; and if he approves, required to carry the sentence at once into effect. It is "until the pleasure of the President can be made known" that the sentence is held in abeyance. The discretion allowed him is broad and unlimited; nor is he restricted to any specified time within which the case must be considered and his determination made known.

The suspension of the sentence awaits his pleasure as President of the United States, in which capacity he is the constitutional fountain of the clemency of the Government; and it would appear that he had the same authority to reconsider an unfavorable opinion first formed in any case, and to substitute for it a favorable determination, as he would have (in a case where he had been invested with the pardoning power) to first refuse and ultimately to grant a pardon.

It is therefore advised that the approval by the President of the sentence in the case of Captain Wilbur (as published in said General Order No. 120) be revoked by him and the sentence be thereupon formally disapproved.

It should, however, be ascertained, before such action is taken, whether the vacancy occasioned by the dismissal of this officer has been filled; if found to have been filled by the governor, the President can only resort to the usual course of ordering the disability imposed by the sentence to be removed. Any other form of expression of dissent from the approval of the sentence heretofore published would, under these circumstances, only lead to an embarrassment which should not be permitted to exist. In such a contingency, therefore, it would be more advisable for the President to intimate his revocation of the former approval of the sentence by the mode of proceeding last suggested.

Respectfully submitted.

J. HOLT, *Judge-Advocate-General.*

The report of the Judge-Advocate-General appears to have been inadvertently filed without immediate action, and Captain Wilbur therefore filed in this Department, as additional testimony, his own affidavit, dated July 8, 1863, of which the following is the text:

"I, John E. Wilbur, late captain Company B, Third Regiment New Hampshire Volunteers, on oath depose and say that at the time I had the conversation testified to on the court-martial by Surg. A. J. H. Buzzell the matter related to an order made or reported to me by Captain Burnham, as made by Colonel Serrell of the engineers, who had charge of the works at Fort Mitchell, 'that no enlisted men of his command should go to Pinkneys Island,' that the conversation did not relate to officers or to any order of General Terry commanding. That I had at the time no knowledge of any order being issued to the same effect or a similar effect by General Terry, nor was any such order ever published to my knowledge.

"That the order to Lieut. Geo. W. Williams at the outpost at Seabrook I know nothing of.

"That I was the officer in command at the outpost, and as such conceived it my duty to ascertain my position relative to the surrounding country.

"That I consulted with Colonel Serrell relative to the propriety of my going to Pinkney Island, and he was of the opinion there was no difficulty."

A copy of the Judge-Advocate-General's report having been furnished by the Bureau of Military Justice to Captain Wilbur, this copy was brought to the attention of the President, who indorsed it under date of October 22, 1863, as follows:

"Let the disability resting upon Capt. John E. Wilbur be removed in order to allow him to accept a reappointment from the governor of New Hampshire.

"A. LINCOLN."

Thereupon, by letters from this Department to the governor of New Hampshire dated, respectively, October 29, 1863, and November 10, 1863, Captain Wilbur's disability to reenter the service was removed.

Finally, the original report of the Judge-Advocate-General having been referred to the President, that report was indorsed by him under date of August 17, 1864, as follows:

"Disability removed.

"A. LINCOLN."

Thereupon Captain Wilbur's disability was again formally removed by letter from this Department to the governor of New Hampshire dated August 27, 1864.

On February 6, 1893, the Hon. H. S. Greenleaf, Member of Congress, referred to this office an application of Captain Wilbur for a certificate of honorable discharge from the service, with request for such action as the facts might warrant. In reply, Mr. Greenleaf was informed that the order of dismissal in this officer's case having been carried into effect, it is beyond the power of any executive order to annul, modify, or set it aside, however injudicious or unmerited the order may be deemed to have been, and that there is no authority vested in this Department by which he can be granted an honorable discharge. Mr. Greenleaf was also informed that the removal of Captain Wilbur's disability to reenter the service, resulting from his dismissal, was merely the declaration that the Government would not object to again receive him into service should the governor of his State see fit to recommission him, and did not affect his dismissal by sentence of a general court-martial or entitle him to an honorable discharge.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief of Office.

RECORD AND PENSION OFFICE,
War Department, March 6, 1896.

The SECRETARY OF WAR.

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WILHELM SPIEGELBURG.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GRIFFIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 129.]

The Committee on Military Affairs, to whom was referred Senate bill 129, having had the same under consideration, respectfully report thereon as follows:

It appears from the records of the War Department that William Spiegelburg was enrolled January 26, 1862, as a private and mustered into service March 31, 1862, as a second lieutenant in Company F, Nineteenth Wisconsin Infantry Volunteers, promoted to first lieutenant May 8, 1863. On October 20, 1864, he tendered his resignation on account of the illness of his wife and child, which resignation was accepted October 26, 1864, but before notice of the acceptance reached him he was wounded in battle October 27, 1864, and sent to field hospital, thence to officers' division of general hospital, and discharged from service on receipt of notice of the acceptance of his resignation. By the provisions of an act passed July 21, 1892, and of which the present bill is amendatory, the Secretary of War was "authorized and directed to revoke the order of discharge in Special Orders, Department of Virginia and North Carolina, dated October 26, 1864, of William Spiegelburg, and to discharge him, to date May 1, 1865." His record was accordingly amended as required by that act, but the claim of Spiegelburg for pay and allowance under the act was disallowed by the Acting Comptroller of the Treasury upon the ground that the act of July 21, 1892, "makes no provision for payment of pay and allowance," and that he was "free from military restraint and performed no military duty.

In a further communication, in response to an appeal for a rehearing, the Second Comptroller states:

As under the general laws this officer was regarded as discharged for his own convenience, although between the date on which he tendered his resignation and the date of the receipt of his discharge he went into battle and was severely wounded, so that when his discharge reached him, far from his home, all the conditions had so changed that but for the discharge which took effect on its receipt, he would, under

the general practice in such cases, have been retained in service until his wounds were healed, or his discharge given for wounds entitling him to traveling allowances. The case is one which strongly appealed for relief.

The act of July 21, 1892, to give relief, was, under the construction of the Second Comptroller, ineffectual, because it did not carry pay and allowance to the date of the discharge specified in the act and in the amended record. The purpose of the present bill is to conform to the Department ruling, which it does by such specific provisions as are requisite to cover the case.

The bill passed the Senate May 6, 1897, and the case may be briefly summed up as follows:

Spiegelburg, after two and one-half years' service without furlough, on account of the distressing illness of his wife and child, resigned. Before notice of the acceptance of his resignation was received by him, he went into battle with his command and was wounded and disabled for life. By an official and strict construction of military law it was decided that he was not strictly in the Army when he was wounded, and by the Department that he was not then liable to military duty, and, though helpless and suffering, he was not entitled to relief and that he can not have the compensation justly due him until a more specific act is passed covering all the points required by the Department, and to accomplish this is the sole purpose of the present bill.

Your committee, after due consideration of all the circumstances, regard the case as a very meritorious one, and therefore recommend that the bill do pass.



GEN. DAVID McMURTRIE GREGG.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. McDONALD, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 1747.]

The Committee on Military Affairs, to whom was referred the bill (S. 1747) for the relief of Gen. David McMurtie Gregg, report the same back to the House with the recommendation that it do pass.

The facts in the case are clearly shown by the report of the Senate Committee on Military Affairs, hereto annexed and made a part of this report.

[Senate Report No. 564, Fifty-fifth Congress, second session.]

The Committee on Military Affairs, to whom was referred Senate bill No. 1747, having had the same under consideration, report it back with the recommendation that it do pass as amended.

The military record of David McMurtie Gregg is that of a distinguished officer who served his country faithfully and gallantly, first in a military academy and in the Regular Army for more than ten years, during which time he was engaged in Indian wars in the Northwest and participated in several actions with the Indians. During 1861 he served with the troops in the defense of Washington, and was mustered into the volunteer service as colonel of Eighth Pennsylvania Cavalry January 24, 1862, serving during the war, till his resignation in 1865. During his service in the volunteer forces he was colonel, brigadier-general, and brevetted major-general, and engaged in more than forty important engagements, including Gettysburg and many other notable battles.

General Gregg received high commendations from Generals Sheridan, Meade, Grant, and Hancock, and, added to the letters of recommendation from the above, was favorably mentioned in the battle reports of Generals Pleasonton, Stoneman, Warren, and Parke. In fact, he was commended by some of the above a number of times with reference to different engagements.

While the reappointment and retirement of officers should not be the rule, yet an examination of General Gregg's record and case notes a peculiarly justifiable exception.

It is sought by the bill to give him only the rank he had in the Regular Army before the civil war, and specifically denies him any compensation prior to appointment under this act, as well as any pension after its passage.

The legislature of Pennsylvania has passed a joint resolution praying Congress for

the passage of the bill (S. 1747), which is submitted herewith, and also the War Department official army record and the statement of the voluntary military service of General Gregg.

COMMONWEALTH OF PENNSYLVANIA,
Executive Chamber, Harrisburg, June 3, 1897.

SIR: Pursuant to the provisions of a concurrent resolution of the general assembly of Pennsylvania, approved this day, I have the honor to forward you the attached self-explanatory copy thereof.

I am, most respectfully, your obedient servant,

DANIEL H. HASTINGS.

Hon. BOIES PENROSE,
United States Senate, Washington, D. C.

IN THE HOUSE OF REPRESENTATIVES, *May 31, 1897.*

Whereas there is pending in Congress Senate bill No. 1747, which provides for the reappointment and retirement of David McMurtrie Gregg, late captain, Sixth United States Cavalry, and brevet major-general of United States Volunteers, with the rank and grade of captain; and

Whereas in consideration of the long and faithful military services of this distinguished son of Pennsylvania before and during the late war of the rebellion, especially for gallant conduct at the battle of Gettysburg, we ask proper recognition at the hands of the Government he so faithfully served, and that the acknowledgment thereof may be testified by the prompt passage of said bill: Therefore,

Be it resolved (if the senate concur), That our Senators and Representatives in Congress be requested to support and use their utmost efforts to effect the speedy passage of said bill reappointing and retiring General Gregg.

Resolved further, That a copy of the above preamble and resolution be sent by the governor of this Commonwealth to our Senators and Representatives in Congress.

JERE B. REX,
Chief Clerk of the House of Representatives.

IN THE SENATE, *June 1, 1897.*

The foregoing resolution concurred in.

E. W. SMILEY,
Chief Clerk of the Senate.

Approved the 3rd day of June, anno Domini one thousand eight hundred and ninety-seven.

DANIEL H. HASTINGS.

WAR DEPARTMENT, ADJUTANT-GENERAL'S OFFICE,
Washington, May 7, 1897.

Statement of the military service of David McM. Gregg, of the United States Army, compiled from the records of this office.

REGULAR ARMY RECORD.

He entered the United States Military Academy July 1, 1851, was graduated July 1, 1855, and received subsequently the following appointments and promotions:

Brevet second lieutenant, Second Dragoons, July 1, 1855; second lieutenant, First Dragoons, September 1, 1855; first lieutenant, March 21, 1861; regimental adjutant, April 12 to May 14, 1861; captain, Sixth Cavalry, May 14, 1861.

SERVICE.

He was on duty at Jefferson Barracks, Mo., September 30 to October 14, 1855; at Columbus, N. Y., to November 6, 1855; conducting recruits to New Mexico to February 2, 1856, when he joined his regiment and served on frontier duty at Fort Union, N. Mex., to August, 1856; on the march to California and at various frontier posts in California, Washington, and Oregon to July, 1861, being engaged in the Spokane

expedition in 1858, and in actions against Indians at 'To-hots-nim-me May 17, 1858; Four Lakes, Washington, September 1, 1858; Spokane Plain, September 5, 1858, and Spokane River, September 8, 1858.

He joined the Sixth Cavalry August 21, 1861, and commanded his troop in the defenses of Washington to January 24, 1862, when mustered into the volunteer service, and continued in that service until he resigned, February 3, 1865.

W. P. HALL, *Assistant Adjutant-General.*

Statement of the volunteer military service of David McM. Gregg, brevet major-general of volunteers, late colonel Eighth Pennsylvania Cavalry, and brigadier-general of volunteers.

The records on file in this office show as follows:

David McM. Gregg is reported as mustered into service as colonel, Eighth Pennsylvania Cavalry Volunteers, January 24, 1862, to serve three years. He was appointed brigadier-general of volunteers November 29, 1862, to rank from the same date; accepted the appointment January 17, 1863; was brevetted major-general, United States Volunteers, to date August 1, 1864, "for highly meritorious and distinguished conduct throughout the campaign, particularly in the reconnoissance on the Charles City road, Virginia," and was assigned to duty according to his brevet rank December 29, 1864. His resignation as captain, Sixth United States Cavalry, and brigadier-general of volunteers, tendered because of pressing private duties and business imperatively demanding his continued presence at home, was accepted, to date February 3, 1865, in special orders from this Department; and he was finally relieved from duty February 9, 1865.

During his service General Gregg was on duty in the Army of the Potomac, and held commands as follows: January 24, 1862, to December 13, 1862, Eighth Pennsylvania Cavalry Volunteers; December 13, 1862, to February, 1863, cavalry division, Left Grand Division; February 12 to June 12, 1863, Third Division, Cavalry Corps; June 12, 1863, to January, 1864, Second Division, Cavalry Corps; January 22 to February 12, 1864, Cavalry Corps; February 12 to March 24, 1864, Second Division, Cavalry Corps; March 24 to April 6, 1864, Cavalry Corps; April 6 to July, 1864, Second Division, Cavalry Corps; July 31 to August 8, 1864, Cavalry Corps; August 8, 1864, to February 9, 1865, Second Cavalry Division.

He participated in battles as follows: Yorktown, Va., April 5 to May 4, 1862 (siege); New Kent Court-House and Bottoms Bridge, Va., May, 1862; Fair Oaks, Va., May 31, 1862; Savage Station, Va., June 29, 1862; White Oak Swamp, Va., June 30, 1862; Malvern Hill, Va., July 1, 1862; Antietam, Md., September 17, 1862; Philmont, Va., November 1, 1862; Barbers Cross Roads, Va., November 5, 1862; Fredericksburg, Va., December 13, 1862; Rappahannock Railroad Bridge, Va. (skirmish), April 14, 1863; Brandy Station, Va., June 9, 1863; Aldie, Va., June 17, 1863; Middleburg, Va., June 19, 1863; Upperville, Va., June 21, 1863; Aldie, Va. (skirmish), June 22, 1863; Gettysburg, Pa., July 2-3, 1863; Charleston, W. Va., July 14, 1863; Shepherdstown, W. Va., July 16, 1863; Muddy Run, Va., August 5, 1863; Culpeper, Va., September 13, 1863; Rapidan Station, Va., September 14, 1863; Jefferson (or Sulphur Springs), Va., October 12, 1863; Auburn, Va., October 14, 1863; New Hope Church, Va., November 27, 1863; Parkers Store, Va., November 29, 1863; Todds Tavern, Va., May 5-6, 1864; New Market, Va., May 9, 1864; Ground Squirrel Church (Yellow Tavern), Va., May 11, 1864; Meadow Bridge (inside of rebel intrenchments), Va., May 12, 1864; Haws Shop, Va., May 28, 1864; near Gaines Mill, Va., June 2, 1864; Trevillian Station, Va., June 11, 1864; St. Marys Church, Va., June 24, 1864; Proctors Tavern, Va., July 12, 1864; Deep Bottom, Va., July 28 and August 13 to 20, 1864; Reams Station, Va., August 23-25, 1864; Vaughn Road, Va., September 29, 1864; Poplar Spring Church, Va., September 30, 1864; Vaughn Road, Va., October 1, 1864; Boydton Plank Road, Va., October 27, 1864; Weldon Railroad (expedition), December 7-12, 1864; Hatchers Run, Va., February 5-7, 1865.

General Gregg's promotion to the grade of brigadier-general of volunteers was based on his record as colonel Eighth Pennsylvania Cavalry and on a letter from Governor A. G. Curtin, of Pennsylvania, to the President, dated October 21, 1862, as follows:

"I ask that Col. D. M. Gregg, of the Eighth Pennsylvania Cavalry, be promoted to a brigadier-generalship. He served in the Army with distinction, and was relieved to command the Eighth Pennsylvania Cavalry at my request. It is not invidious to say that no regiment behaved better and that no colonel of cavalry won more distinction in the battles on the Peninsula and before Richmond.

"Colonel Gregg is my relative, and I earnestly ask his promotion as a personal favor."

General Gregg's promotion to the grade of brevet major-general of volunteers was made at the urgent request of distinguished citizens of Pennsylvania, including the Hon. John Covode, Hon. Samuel S. Blair, Hon. J. K. Morehead, and others, and was based on the recommendations of Maj. Gens. W. S. Hancock, P. H. Sheridan, and George G. Meade, and Lieut. Gen. U. S. Grant.

General Sheridan's letter of recommendation, dated July 10, 1864, addressed to the Secretary of War, is as follows:

"I have the honor to respectfully recommend the promotion of Brig. Gen. D. McM. Gregg, commanding the second division cavalry corps, to the rank of major-general of volunteers.

"General Gregg has for a long period commanded with merit and ability a division of cavalry of the Army of the Potomac. His gallantry, good judgment, and skillful management of his command during the present campaign is beyond praise, and justly entitles him to the reward of increased rank.

"During the present campaign, at the cavalry engagements of Todds Tavern, Yellow Tavern, inside the rebel intrenchments at Richmond, Va., Haws Shop, Trevillian Station, and St. Marys Church, his conduct was that of an able and skillful cavalry general."

General Meade's indorsement, dated July 20, 1864, on this and other recommendations for promotion, is as follows:

"The within list of nominations for promotion is respectfully forwarded for the action of the lieutenant-general commanding, in accordance with the indorsement of the 6th instant on the returned nominations of Major-General Sheridan. Such of these promotions as there are now vacancies for it is earnestly urged should be made without delay, and where there are no vacancies it is most respectfully submitted that appointments by brevet and assignment with brevet rank while in the field would be only simple justice to many most meritorious officers.

"I consider it of the highest importance that faithful services and gallantry in the field should be promptly rewarded. The tone and efficiency of this army would be greatly improved if services such as are herein recorded were promptly acknowledged."

General Grant's indorsement, dated July 22, 1864, is as follows:

"Respectfully forwarded, with the remark that the officers herein recommended are worthy, meritorious, and deserving of promotion, or to fill any vacancies that may exist." * * *

General Hancock's letter of recommendation is dated August 30, 1864, and General Gregg is therein recommended for promotion, by brevet or otherwise, for highly meritorious and distinguished conduct throughout the campaign, particularly for the reconnoissance on the Charles City road and at the battle of August 25, at Reams Station, Va.

General Gregg's name was also included in a list of officers entitled to brevet rank submitted by General Meade under date of September 19, 1864, and approved and forwarded by General Grant September 25, 1864. He was also recommended by General Meade for brevet appointment of major-general of volunteers November 2, 1864.

General Gregg is favorably mentioned in battle reports as follows:

(1) Report, dated August 20, 1862, of Brig. Gen. A. Pleasonton, commanding the Second Cavalry Brigade, of the operations of that brigade, August 14 to 19, 1862:

"In conclusion, General, permit me to recommend to favorable notice the important services that have been rendered by the following-named officers, viz, Col. D. McM. Gregg, * * * of the Eighth Pennsylvania Cavalry." * * *

(2) Report, dated November 17, 1862, of Brig. Gen. A. Pleasonton, commanding the cavalry division, of the operations of that division from October 26 to November 17, 1862:

"I respectfully submit to the favorable consideration of the Major-General Commanding and the Government the following-named officers, for distinguished gallantry and good conduct throughout the campaign: * * * Col. D. McM. Gregg, Eighth Pennsylvania Cavalry." * * *

(3) Report, dated May 13, 1863, of Maj. Gen. George Stoneman, commanding the cavalry corps, of the operations of that corps from April 27, 1863, to May 13, 1863:

"To Generals * * * Gregg, * * * and the officers under them, I render my warmest thanks for their hearty cooperation in the execution and carrying out of all my orders and the implicit confidence with which they honored me throughout the whole operations. Nothing was asked of them but what was freely given and promptly and thoroughly executed."

(4) Report, dated June 15, 1863, of Brig. Gen. A. Pleasonton, commanding the cavalry corps, of the part taken by a detached portion of that corps at the action at Brandy Station, Va., June 9, 1863:

"I have the honor to recommend Brigadier-Generals * * * Gregg for promotion for the gallantry and ability with which they fought their respective commands."

(5) Report of General Pleasonton, dated June 22, 1863, of the action at Upperville, Va., June 21, 1863:

"I especially commend Brigadier-Generals Gregg * * * for their gallant zeal and efficiency throughout the day."

(6) Report of Maj. Gen. P. H. Sheridan, commanding the cavalry corps, to General Meade, dated May 13, 1864, of the operations of his command from May 9 to 13, 1864:

"I am very much indebted to Generals Gregg, * * * division commanders. * * * Their services are worthy of the very highest praise."

(7) Report of General Sheridan to General Rawlins, chief of staff, dated May 13, 1864, of the operations of the cavalry corps from April, 1864, to August, 1864:

"To Gens. D. McM. Gregg, * * * to the gallant officers and men of their commands, and to the officers of my staff, I return my sincere thanks."

(8) General Gregg was also complimented by Major-General Warren, commanding the Fifth Army Corps, in general orders from that command, dated December 13, 1864, as follows:

"The command having returned from its late expedition after accomplishing successfully its mission—the destruction of the Weldon Railroad as far as Hicksford—making forced marches during six days and nights in the most inclement weather, the major-general commanding considers it his duty to express to his division commanders, Brevet Major-General Gregg, commanding Second Cavalry Division, * * * his high appreciation and commendation of their performance of the instructions issued to them by him."

The following indorsement, under date of January 26, 1865, by Maj. Gen. John G. Parke, commanding, on that date, the Army of the Potomac, appears on General Gregg's letter of resignation:

"The eminent services rendered by Major-General Gregg are well known to this Army and country. His resignation will be a serious loss to the service, but under the circumstances it is approved and respectfully forwarded for the decision of the Department."

F. C. AINSWORTH,

Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,

War Department, May 18, 1897.



DAVID McMURTRIE GREGG.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. FENTON, from the Committee on Military Affairs, submitted the following as the

VIEWS OF THE MINORITY.

[To accompany S. 1747.]

The minority of the Committee on Military Affairs, having carefully considered the bill (S. 1747) authorizing the President to appoint and retire David McMurtie Gregg, late captain, Sixth United States Cavalry, and late brevet major-general of United States Volunteers, with the rank and grade of captain, recommend that the bill do not pass.

The minority of your committee are by no means inclined to disparage the military record of General Gregg, which was in all respects meritorious, but it should be remembered that he is only one among thousands of gallant officers and men who performed honorable and valuable service to the country in its time of need, and who are now just as deserving of special favors at the hands of Congress as General Gregg. Besides, this officer voluntarily severed his connection with the Army before the close of the war, namely, by the tender of his resignation in January, 1865, which was accepted on the 3d day of the following month. The restoration to the Army and retirement of officers who voluntarily surrendered their commissions is a species of favoritism which the country does not look upon with approval, to say the least, and the continuance of such legislation must eventually render the law providing for a retired list of officers of the Army very unpopular.

The attention of Congress is hereby called to the already enormous and growing expense of the retired list of officers of the Army.

For the fiscal year ending June 30, 1887, the appropriation for the retired list of officers of the Army was \$1,148,594.88. The appropriation for the fiscal year ending June 30, 1899, is \$1,570,000, while the Department estimate was \$1,674,342.98. The cut of \$104,342.98 will no doubt come up in the general deficiency bill in the end, to meet the Department estimate.

The minority of your committee make no invidious distinction in opposing this particular bill, but they believe the principle involved to be radically wrong and its practice pernicious.

LUCIEN J. FENTON.
N. N. COX.
M. A. SMITH.
JOHN J. LENTZ.

PATRICK HANLEY.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BROWNLOW, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 1737.]

The Committee on Military Affairs, to whom was referred the bill (S. 1737) to correct the military record of Patrick Hanley, report the same back to the House with the recommendation that it do pass.

The report made by the Senate Committee on Military Affairs is hereto attached and made a part of this report.

[Senate Report No. 503, Fifty-fifth Congress, second session.]

The Committee on Military Affairs, to whom was referred the bill (S. 1737) to correct the military record of Patrick Hanley, report:

A similar measure (H. R. 8706) passed the House of Representatives, and after favorable report by this committee passed the Senate during the second session of the Fifty-fourth Congress, but failed to become a law.

The committee now adopts their former report (No. 1546), which is hereto appended and made a part of this report, and again recommend the passage of the bill.

Said report is as follows:

The Committee on Military Affairs, to whom was referred the House bill 8706, have had the same under consideration and find the facts to be as stated in House Report No. 2470, Fifty-fourth Congress, second session, which is made a part of this report, as follows:

“The Committee on Military Affairs, to whom was referred the bill (H. R. 8706) to correct the military record of Patrick Hanley, having considered the same, would respectfully report such bill back to the House with the recommendation that the same do pass.

“The facts upon which your committee rely for the clemency sought to be extended by this bill are briefly as follows: The soldier ran away from home and enlisted, without bounty, in Company H, Twenty-eighth Wisconsin, on the 20th day of August, 1862. He was then about 17 years old. He remained with his company in camp within his own State until December 19, 1862, when he obtained leave to visit his home, and while absent on such leave his regiment was ordered to the front, leaving the soldier behind. When he learned that the regiment had left he followed it to Chicago. When he arrived there the regiment had left. Not being able to learn of its whereabouts, he enlisted in the Mercantile Battery, but was rejected on account of physical defects.

“On the 10th day of June, 1863, he again tendered his services to his country and was assigned to the Navy, where he served faithfully for the full term of his enlistment and was honorably discharged. Had he been accepted when he enlisted in the Mercantile Battery the soldier could have been relieved under the general law.

“It is apparent the soldier never did intend to desert, and although he had to enter the service against the wishes of his parents, when he was fairly in the service and beyond the influence of his parents he served faithfully during his full term.

“The total bounty paid him for his entire enlistment was \$25.

“The record of such soldier, Army and Navy, is hereto attached and made a part hereof.”

DEPARTMENT OF THE NAVY,
Washington, D. C., May 7, 1896.

SIR: Referring to your letter of the 6th instant to the Honorable Secretary of the Navy, I have the honor to state that one Patrick Hanley enlisted in the Navy at Chicago, Ill., June 15, 1863, as seaman for one year; served on board of the *Covington*, *Fairy*, and hospital *Pinckney*, and was discharged June 25, 1864.

Respectfully,

F. M. RAMSAY, *Chief of Bureau.*

Hon. S. A. COOK,
House of Representatives.

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, April 17, 1896.

SIR: * * * It is shown by the records that Patrick Hanley was enrolled August 20, 1862, and was mustered into service October 14, 1862, in Company H, Twenty-eighth Wisconsin Infantry, to serve three years. He appears to have served faithfully to December 19, 1862, when he deserted. He never returned thereafter, although his company remained in service to August 31, 1865. No evidence has been found showing he was a minor at the date of his enlistment or was enlisted without the consent of his parents, or that he was released or discharged from such service by the order or decree of any court of competent jurisdiction on habeas corpus or other proper judicial proceedings.

It does not appear from the files of this office that an application for removal on the charge of desertion has been presented to this Department, and in the absence of testimony the status of the soldier can not be determined under the provisions of the act of Congress approved March 2, 1889, the only law now in force governing the removal of the charges of desertion.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Hon. S. A. COOK,
House of Representatives.

In addition to the foregoing House report, the committee gives an extract from a private letter, written by James Murray, of Fremont, Nebr., to a Senator, who says he has implicit confidence in his statements. Mr. Murray was a captain in the Twenty-eighth Wisconsin, from which Hanley deserted. He says:

"I was one of the line officers in the Twenty-eighth Wisconsin. You were another. My company was H. Now to business; a man whose name is Patrick Hanley enlisted upon the occasion of the organization of the Twenty-eighth, from Merton or Lisbon, and chose Company H to go in; went into Camp Washburn with the rest of us, was mustered and drilled, and on the whole made a good soldier, no way disorderly, and was, I verily believe, never reprimanded by any of his superior officers. He went home; we marched the next day; he failed to get back in time; he followed us to Chicago; we were gone; he enlisted in a battery at that place, was rejected for physical disability of some kind. In a short time he enlisted in the Navy and served three years.

"Of course most of this has been told me after we got home, by him. I know this, however, while we were in camp at Mobile, one of my men came to me one day and said: 'Patrick Hanley is down on board of a gunboat and expressed a desire to see us, but said that he was afraid I would have him arrested as a deserter, and that as he had seen about as much service as any of the Twenty-eighth, he would not like to be arrested.' As the war was about winding up I forebore sending for him. Well, of course, he was reported as a deserter and the muster-out rolls so reported him. It seems that he not long since found it out. He writes me that he is seeking to get the disgrace effaced on account of his children. I sympathize with the boy, particularly in that respect. Congressman Cook, of Wisconsin, is about to try and have a bill passed restoring him. Now, as you were in those days one of us, could you not, if you deem it consistent with right, etc., give the matter a helping hand? My recollection of the boy is quite vivid and I found him a dutiful, orderly, and manly young man."

While Hanley might have persevered in his attempt to overtake the Twenty-eighth Wisconsin and thus have avoided the charge of desertion, we think that his conduct in seeking to enlist in the Mercantile Battery, and enlisting and serving a year in the Navy, shows that he was not endeavoring to avoid the service of his country, and the committee report the bill back with a recommendation that it do pass.

GEORGE WITTER.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GIBSON, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 10276.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10276) granting an increase of pension to George Witter, have examined the same and the evidence relating thereto and respectfully report:

This bill, as amended, proposes to increase from \$17 to \$30 per month the pension of George Witter, of Waverly, Tioga County, N. Y., who enlisted August 15, 1862, and was honorably discharged May 16, 1865, from First Battery, Ohio Volunteer Light Artillery.

It is conceded and has been established at the Pension Bureau that while in the service and line of duty the soldier received a very severe injury of the back and abdomen and severe deafness of both ears from the blowing up of a caisson upon which he was riding and during an engagement with the enemy. By the explosion of this caisson the soldier was thrown into the air, and when he came down he struck across the wheel and his back and spine and abdomen were severely injured and he was made almost totally deaf. Being a young man at the time, he recuperated, and after some years his deafness seemed to grow better, but any apparent improvement has always been followed by severe relapses, so that his present condition is much worse than it ever has been.

At one time the soldier's pension was increased to \$22 per month from August 27, 1888, but later, an improvement in hearing having been discovered, it was reduced to \$17 per month. Very soon thereafter his hearing showed such impairment that he is almost totally deaf, and the condition of the bowels, stomach, and back have grown constantly worse, until he is now totally disabled from the performance of any labor, and also suffers constant pain, and his bowels do not perform their function properly. His nervous condition is very bad and he is, in fact, a wreck. There is no evidence of vicious conduct on his part, and there is no pretense that he suffers any disability except those of

service origin. With increasing years it is only natural that his deafness should grow worse and that the other disabilities mentioned should largely increase. Application for increase was denied at the Bureau of Pensions April 18, 1898, and he is therefore justified in applying to Congress for merited relief.

Soldier has done his best to earn a living and has done everything he could, but is now beyond hope of being able to earn a livelihood. His heart and lungs are seriously affected as the result of the injury spoken of. He now has locomotor ataxia, or something closely resembling it, which is the result of the injury to his spine. There is no pretense that the locomotor ataxia can be attributed to other causes than the injury received in service. In 1892 he was rated at \$22 for injury to the back alone. October 20, 1897, the medical examining board at Elmira, N. Y., rated the soldier at \$33 per month for his present disabilities. This is one of the best boards in the State of New York, and is composed of surgeons who are in no way interested. This board is outside the county and district where the soldier lives, and can not have been prejudiced by local influences.

The bill is reported back with the recommendation that it pass when amended as follows:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty."



REBECCA OTIS.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HENRY, of Connecticut, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 4173.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4173) granting an increase of pension to Rebecca Otis, have examined the same and all the evidence relating thereto and respectfully report:

This bill proposes to increase from \$12 to \$24 per month the pension of Rebecca Otis, of Manchester, Iowa.

If any woman living is entitled to a pension of \$24 or more per month Rebecca Otis, this claimant, is. She has a double claim upon the Government, and, in the opinion of your committee, is entitled to the relief sought.

She served faithfully as an army nurse during the late civil war, and her usefulness in alleviating misery, with her sympathetic kindness to the sick and wounded, and her devotion to her country and unremitting attention to duty won the kind consideration of all who knew her or who heard of her services. While in the service as a nurse she contracted a malady and disabilities from which she still suffers.

Rebecca Otis is also the widow of a Union soldier, John Otis, who served as private, Company F, Twelfth Iowa Volunteer Infantry, from November 20, 1861, to November 24, 1864, when honorably discharged, and who died January 29, 1886, at the age of 77 years, of disease and disabilities adjudicated to have been incurred in the service. Rebecca Otis was married to John Otis, the soldier, December 31, 1859, and was the wife of the soldier during the war.

This claimant offered her services as a nurse and was accepted and served as such over three years in the hospital at Jefferson Barracks, Mo. She is now over 73 years of age and very poor; is in necessitous circumstances; has no one on whom she can rely for support except charitable friends, and is unable to earn anything.

She requires the frequent and almost constant care and attention of another person. She is now drawing \$12 per month as the widow

of the soldier, a sum inadequate for her support. Under the law she can not also draw a pension as an army nurse, although she would be entitled to \$12 per month on that ground were she not drawing the \$12 as widow of the soldier.

It is therefore eminently just and proper that this increase to \$24 per month be granted on account of her long and valuable service as an army nurse and her age and necessitous circumstances.

The Grand Army post and her neighbors and friends unite in asking this relief.

The bill is reported back with the recommendation that it pass when amended as follows:

In lines 4 and 5 strike out "as an army nurse" and insert in lieu thereof the words "the name of."

In line 5, after the word "Otis," insert the words "late an army nurse, and pay her a pension."

In line 6 strike out the words "and this shall be."



JUNIUS ALEXANDER.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MIERS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 7362.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7362) granting a pension to Junius Alexander, have examined the same and respectfully report:

This bill, as amended, proposes to pension at \$12 per month Junius Alexander, of Bloomfield, Ind.

The soldier served in Company F, Eighth United States Colored Volunteer Infantry, from May 27, 1863, to September 1, 1866, and in Company D, Thirty-ninth United States Infantry, from September 1, 1866, to August 9, 1867, and was honorably discharged from first service and mustered out on surgeon's certificate of disability from second service, after four years of honorable service.

He is now old and poor, but a good citizen. He has applied for pension at the Bureau, but his applications have been denied, and his only mode of relief is by application to Congress.

He is totally disabled and can not perform labor of any kind. He suffers from disabilities incurred in the service to such an extent that, in the opinion of your committee, he is entitled to a pension of \$12 per month. He has greater disabilities which your committee can not consider, and which are excluded in considering the case and fixing the pension.

The bill is reported back with the recommendation that it pass when amended as follows:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 7 strike out "of twenty" and insert "at the rate of twelve."

HOUSE OF REPRESENTATIVES, *Washington, D. C.*

I am personally acquainted with Junius Alexander, and have been for the last twenty years. He is an old colored man, nearly 70 years of age. He is feeble and is badly crippled with rheumatism. He is wholly unable to perform manual labor, and is entirely without means. He is a bachelor and has no relatives to look to for sup-

port. He will be compelled to go to the poorhouse unless he can get a pension. I know of my personal knowledge that he is not a man of vicious or immoral habits.

His application for pension was rejected after several medical examinations. Some of them showed that his present disability was probably due to his own vicious habits when in the service, while others of the examinations failed to indicate any trace of syphilis, that being the alleged result of his vicious habits for which his claim was rejected. The Pension Department was in doubt as to the propriety of allowing or rejecting the claim, and commenced to write a favorable recommendation, then drew a pen through it and rejected the claim. Being personally acquainted with this old man, his case appeals to me very strongly. He has worked in many of the best families at Bedford, Ind., and has no trace or appearance of any infection

ROBERT W. MIERS.

To the Congress of the United States or the United States Pension Department:

This is to certify that we are well acquainted with Junius Alexander. He is a poor crippled up colored man without means, and unable to perform manual labor to any great extent. He is honorable, upright, and of good moral character, and has no vicious habits. We heartily commend him to the favorable consideration of the Pension Department.

Charles E. Henderson, representative of Greene County; John W. Graham, clerk Greene County; John D. Alexander, late captain Company D, Ninety-seventh Indiana Infantry Volunteers; J. L. Keith, deputy sheriff, Greene County; Harvey L. Doney, auditor Greene County; H. K. Dye, attorney at law; W. W. Clogston, surveyor Greene County; Charles E. Combs, deputy auditor; C. C. Ballard, treasurer Greene County; James Harrel, late of Company D, Fiftieth Indiana Volunteer Infantry; James H. Persons, recorder Greene County, Ind.; Thos. Van Buskirk, ex-member legislature; W. F. Gallemore, attorney at law; Joseph G. Smith, ex-recorder Greene County, Ind., late of Company I, Eighty-second Indiana Volunteers; James Moffett, late of Company E, Ninety-seventh Indiana Volunteer Infantry; James Garters, Company A, First United States Cavalry; Jos. E. Shryer, postmaster; E. H. C. Cairns, late lieutenant-colonel Fourteenth Regiment Indiana Volunteer Infantry; Cook Burk, late private Eighth United States Colored Volunteers; George W. Osbur, late captain Company E, Fifty-ninth Regiment Indiana Volunteers; Calvin Stalings, Company H, quartermaster-sergeant Sixth Cavalry; L. M. Johnson, trustee of Bloomfield; A. T. Cavins, druggist; Taylor Pendleton, One hundred and Eighth Colored Infantry, Kentucky, Company F; John E. Warren, Company E, Eighty-ninth Regiment Indiana Volunteers; Lewis Kidd, saloon; Marion Bennett, Company D, Fifty-ninth Indiana Volunteers; W. L. Cavins, attorney at law; Joseph H. Laughlin, Company B, Twenty-seventh Indiana; J. A. Riddle, deputy prosecuting attorney; John T. Lamb, ex-Republican chairman Second Congressional district of Indiana; John C. Gililand, city treasurer; W. O. Dobbins, late private Company C, Twentieth Infantry; T. C. Murray, proprietor hotel; J. L. Oliphant; Wm. M. Moss, editor and publisher; C. W. Adams, coal; F. M. Dugger, coal and grain; James G. Hert, dry goods merchant; Albert B. Titus, dry goods clerk; G. W. Steel; Wm. R. Cravens, M. D.; D. R. Spainhower, Company A, Forty-first Illinois; S. C. Cravens, M. D.; Thomas J. Axe, Company C, First Indiana Heavy Artillery; John E. McLaughlin, sheriff Greene County; A. J. Shields, merchant; Wm. W. Moffett, judge of circuit court.

JAMES BURNETT.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GIBSON, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 10055.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10055) granting a pension to James Burnett, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension, at \$12 per month, James Burnett, of Kingston, Tenn., dependent father of Thomas Burnett.

The soldier, Thomas Burnett, was enrolled February 25, 1862, as private in Company B, Fifth Tennessee Volunteers, and served faithfully until September 20, 1864, when he was captured by the Confederates and imprisoned at or near Blackshear, Fla., and he died while in prison, from chronic diarrhea, either contracted in prison or before his capture, it being impossible to determine which, and it being immaterial. This claimant, the father, was dependent on this son, and is now very poor, having no property or income whatever, and no one upon whom he can rely for support or assistance. He is dependent upon charity, very weak and feeble, and upward of 80 years of age. These facts are proved by an abundance of credible testimony.

The father applied for a pension, but his application was denied upon the ground that the soldier was not in the line of duty at the time he was captured, and that his death in prison was the result of his capture. It appears from the evidence that the soldier was on the picket line and went out foraging, with the knowledge and, at least, the implied permission of his superior officers. It seems that some girls, who had pies and chickens and other things to sell, came up to the picket lines and promised to send the lieutenant some chickens and eggs if they would let the soldier, with one or two others, go to their house with them. The permission was given and they went. No sooner had they reached the house than they were set upon by some Confederate soldiers, and Burnett was captured. The others escaped, but Burnett never returned, and died in prison.

The soldier was not outside the lines in violation of orders or in violation of his duty, but was outside, with the permission and implied direction of his superior officers, obtaining food for his superior officers; and while he was not on a regular detail as a forager, he was in point of fact on a foraging expedition. During the war, especially in the far South, most of the foraging was done in this manner. Whenever opportunity for getting food or supplies outside the lines was apparent the superior officers frequently directed soldiers to go and get what they could; at other times the soldiers would request to go and the officers would give their permission. Technically, the soldier was not out on a regular foraging expedition properly detailed, but in fact he was. It is quite evident that the girls who came to the lines and informed the officers and soldiers where they could get food and supplies were there for the purpose of getting as many of our men outside the lines as possible, and knew that if they were enticed outside that they would be surrounded and captured by the Confederates.

The getting of food and supplies in this way was frequently resorted to, especially when our army was located in the far South; and while your committee can not say that this soldier was captured while engaged in foraging in the strict line of duty, still he was not out in violation of any orders or regulations, and hence was in the line of duty when captured.

The bill is meritorious, the soldier was faithful and brave and performed valuable military service up to this time, and the father in his necessitous circumstances and old age is entitled to recognition.

The bill is reported back with the recommendation that it pass.

DEPARTMENT OF THE INTERIOR,
BUREAU OF PENSIONS,
Washington, D. C., September 9, 1897.

SIR: In response to the request of Hon. Henry R. Gibson, you are again informed that your claim for pension as father of above soldier was rejected August 14, 1891, because the soldier was not in line of duty when he was captured, his death in prison being the result of his capture.

There is nothing now pending in this case.

Very respectfully,

J. L. DAVENPORT,
Acting Commissioner.

Mr. JAMES BURNETT,
Kingston, Tenn.

STATE OF TENNESSEE, *County of Roane, ss:*

In the matter of pension claim of James Burnett, father of Thomas, who was a member of Company B, Fifth Regiment Tennessee Volunteers, personally came before me, a notary public in and for said county and State, James R. Thompson, aged 74 years, whose post-office address is Emory Gap, County of Roane, State of Tennessee, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid claim as follows:

I was captain of above-named company, and Thomas Burnett was a member of my company while at or near Marietta, in the State of Georgia, about September 20, 1864. I was in command of my company and the entire regiment at the time, and I ordered a small number of my men out on picket duty, and among the number the said Thomas Burnett was one of the soldiers sent out; and about $1\frac{1}{2}$ miles from headquarters, at or near their picket post, Thomas Burnett was captured by the enemy and carried away by them as a prisoner of war, and I consider him as under my orders, that he was captured while in service and line of his duty, and as I first stated as to date, as above stated, that it was done at the time and place, September 20, 1864. I have given these statements before, and I still contend that the above-named soldier when captured by the enemy was in service and strictly in line of his duty, leaving a clear

record, as he did, of a faithful and honorable soldier. I believe the claim for him is a just and worthy one and should be allowed.

Affiant's knowledge of the above facts is from his own personal knowledge.

J. R. THOMPSON,
Captain Company B, Fifth Regiment Tennessee Volunteers.

Sworn to and subscribed before me this day by the above-named affiant, and I read the affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in this case, nor am I concerned in its prosecution; and that said affiant is personally known to me, and that he is a creditable person.

Witness my hand and official seal this 24th day of September, 1897.

[SEAL.]

J. B. PETERMAN, *Notary Public.*

STATE OF TENNESSEE, *Roane County:*

In the matter of the pension claim (No. 243547) of James Burnett, dependent father of Thomas Burnett, late a private, Company B, Fifth Regiment Tennessee Infantry Volunteers.

On this, the 8th day of October, 1897, personally appeared before me, a notary public in and for the county and State aforesaid, Isaac W. Wallace, age 60 years, a resident of Oral, county of Roane, and State of Tennessee, well known to me to be reputable and entitled to credit, and who, being duly sworn, says in relation to the above claim:

I was personally acquainted with the above Thomas Burnett, and well remember that he was detailed, on or about September 20, 1864, as a scout around the corral, and while out he was captured by the rebels; and further, I know he was in line of duty when captured. I know the above facts from my own personal knowledge, being a comrade of the same regiment, but of Company A. I further declare I have no interest in said claim, nor am I concerned in its prosecution.

ISAAC W. (his x mark) WALLACE.

Witnesses—

J. A. TERITTS.

G. A. SMITH.

STATE OF TENNESSEE, *Roane County:*

Sworn and subscribed to before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same; and I further certify that he is well known to me to be a creditable person and so reputed in the community in which he lives, and that I am not interested in this claim.

Witness my hand and seal this the 8th day of October, 1897.

[SEAL.]

J. A. TURNBILL, *Notary Public.*

STATE OF TENNESSEE, *Roane County:*

Personally appeared before me, J. C. Pope, clerk of county court of said county and State, A. J. Childress, aged 53 years, to me well known and whom I certify to be respectable and entitled to full credit on oath, and who being sworn, deposes and says that he is well acquainted with James Burnett, applicant for pension as dependent father, and that to my personal knowledge he is totally dependent, crippled man, and old, not able to perform hard manual labor, and, being destitute, is thrown upon public charity for support. The county has been appropriating money for his support for more than a year. This affidavit written by J. C. Pope at clerk's office from my verbal statement made to him. I have no interest in this matter, and am not related to him.

A. J. CHILDRESS.

Sworn to and subscribed before me February 10, 1898. I have no interest in this claim, and am not related to claimant.

[SEAL.]

J. C. POPE, *Clerk.*

STATE OF TENNESSEE, *Roane County:*

Personally appeared before me, J. C. Pope, clerk of the county court for said county, J. G. Brown, aged 69 years old, and John Marney, aged 65 years old, with whom I am personally acquainted and whom I certify to be respectable and entitled

to full credit on oath or otherwise, and who being duly sworn according to law, depose and say that they are personally well acquainted with James Burnett, who is an applicant for pension as dependent father, and have known him for many years. He is an old man, crippled, and has no property; therefore he is totally dependent on the public for support. The county has been making appropriations for his support for more than a year; his only means of support is the public charity. This affidavit was written by J. C. Pope, at the clerk's office, in Kingston, from my verbal statement which I make from personal observation. I have no interest in this matter and not related to the claimant.

J. G. (his x mark) BROWN.
JOHN MARNEY.

Witnesses:

J. A. FRITTS.
M. E. POPE.

Sworn to and subscribed before me February 10, 1898. I have no interest in this claim and am not related to him.

[SEAL.]

J. C. POPE, *Clerk.*

STATE OF TENNESSEE, *Roane County*:

Be it remembered that at a county court began, opened, and held for the county of Roane at the court-house in Kingston, Tenn., on the first Monday of January, 1898, present and presiding the worshipful E. C. Roberts, chairman, and a quorum of justices in commission, the following among other proceedings were had and entered of record in said court, to wit:

Ordered by the court that there be paid to James Burnett for his support, 1898, certified quarterly, the sum of \$20.

STATE OF TENNESSEE, *Roane County*:

I, J. C. Pope, clerk of the county court for said county, certify that the foregoing is a true and perfect copy of the county court record, appropriating money for support of James Burnett, as the same appears of record in my office.

Witness my hand and seal at Kingston, Tenn., February 10, 1898.

[SEAL.]

J. C. POPE, *Clerk.*

O

BLANCHE E. BARLOW.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BOTKIN, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 3350.]

The Committee on Invalid Pensions, to whom was referred the bills (S. 3350 and H. R. 4864 and H. R. 5572) granting an increase of pension to Blanche E. Barlow, have examined the same and the evidence relating thereto, and respectfully report the Senate bill.

The bill (S. 3350) proposes to increase from \$8 to \$17 per month the pension of Blanche E. Barlow, of Fort Scott, Kans.

This claimant is the widow of Augustus C. Barlow, who served as surgeon, Fourth West Virginia Volunteer Infantry, and Sixty-second Ohio Volunteer Infantry, from March 24, 1863, to August 23, 1865, a period of two years and five months, when he was honorably discharged. This soldier died December 29, 1884, leaving this claimant, his widow, without means of support other than her daily labor, and she is now in necessitous circumstances, and physically unable to support herself. She has no one upon whom she can rely, and her pension of \$8 per month is entirely inadequate for her support. It is not claimed, and can not be shown, that this husband died as the result of disease contracted or wounds received in the service.

It further appears that this claimant, Blanche E. Barlow, at the time of her marriage to Augustus C. Barlow was the widow of Julien E. Curtis, who enlisted at the outbreak of the war and served as captain of Company C, Eighth Virginia Volunteer Infantry, until he was killed in battle, August 30, 1862. Under the circumstances of this case and in view of the fact that she is now a widow and woman of good character, in necessitous circumstances, and that she was the wife of a soldier during the war who was a captain and was killed in battle, and thereafter married a soldier who was a surgeon and who is now dead, this claimant may be pensioned as the widow of Julien E. Curtis or as the widow of Augustus C. Barlow. Had she not remarried, she would be entitled to a pension of \$20 per month as the widow of Captain

Curtis. Had Barlow died as the result of diseases contracted or disabilities incurred in the service, she would be entitled to a pension of \$17 per month under the general law.

Both the House and Senate have passed many bills either restoring or giving pensions to the remarried widows of soldiers at the rate to which they would have been entitled on account of the rank of their husbands had it not been for the remarriage. It is but just and proper that this widow have a pension of at least \$17 per month, and the granting of the increase is fully justifiable upon either of two grounds: (1) That she is entitled to it as the widow of Capt. Julien E. Curtis; (2) that she is entitled to \$8 per month under the general law, and to an increase to \$17 per month on account of her present age, physical condition, and necessitous circumstances.

Your committee concur with the Senate that the claimant is entitled to the increase, and the bill is therefore reported back with the recommendation that it pass.

○

JAMES C. YOUNG.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CASTLE, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 2338.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 2338) granting a pension to James C. Young, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension at the rate of \$20 per month James C. Young, of Bingham Canyon, Utah.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 2338) granting a pension to James C. Young, have examined the same and report:

The bill proposes to pension the petitioner at the rate of \$20 per month. The record of the case discloses the following facts: This soldier is 58 years of age and served honorably in Company C, Twenty-second Illinois Infantry, from June 11, 1861, to July 7, 1864—more than three years. His claim for pension, No. 1162478, filed under the act of June 27, 1890, stands rejected by the Pension Bureau upon the alleged ground of no pensionable degree of disability under the said act from the causes set up by the claimant, viz, gunshot wound of right leg, shell wound of left leg, catarrh, failing sight, rheumatism, piles, swollen feet, and general debility. The reports of the United States examining surgeons are silent as to any objective symptoms of said disabilities, but there is submitted by the petitioner, and the same are hereby made a part of this report, certificates from Drs. J. K. W. Bracken and F. E. Stroup, showing the present existence of all of these diseases; and the joint affidavit of 23 citizens of petitioner's own town "That the said James C. Young is not capable of performing manual labor for his support" (sworn to March 28, 1898). This testimony from parties having opportunities for personal observation convinces your committee that the petitioner is pensionably disabled within the intendment of the law, and therefore the passage of the bill is recommended.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 6 strike out the word "to."

JOHN R. BEVAN.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HENRY, of Connecticut, from the Committee on Invalid Pensions, submitted the following

R E P O R T.

[To accompany S. 3169.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 3169) granting a pension to John R. Bevan, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension at the rate of \$12 per month John R. Bevan, of Castine, Me.

The Senate report states the facts and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3169) granting a pension to John R. Bevan, have examined the same and report:

The following affidavit has been filed with your committee in support of this claim:

I, John R. Bevan, of Castine, county of Hancock, State of Maine, aged 89 years the 26th day of February next, if he survives until that date. He states and declares that he nursed, clothed, and maintained said soldier, Edward L. Bowden, from his infancy until he enlisted in the United States service, and that the said soldier always acknowledged him as his father (although a stepfather), and when he was furloughed home sick from the regiment, Company G, First Maine Heavy Artillery Volunteers, the first part of the year 1865 he was suffering from disease, chronic diarrhea, and fever of the worst type, and in an emaciated condition of health. I received him as a tender father would do and gave him the best of attendance during his sickness. There was not a thing that he needed for his comfort but I got for him, but he died from the disease September 23, 1865. When he died I paid all bills, including his burial expenses, and had to mortgage the little property I had for \$180 to pay all the bills contracted for his benefit, and received no remuneration from the State or the Federal Government. I never asked for any reimbursement. Now, I humbly ask that a liberal and humane Congress will be pleased to pass a special act for my benefit, transferring the pension of my late wife, Mary E. Bevan, deceased, during the remainder of my days; and should your honorable House be pleased to grant my request, your petitioner, as in duty bound, will ever pray.

JOHN R. BEVAN.

Witness:

WM. H. BEVAN.

STATE OF MAINE, *Hancock*, ss:

Personally appeared before me, John P. Shepherd, a justice of the peace in and for the county and State aforesaid, the above subscriber, this the 16th day of October, A. D. 1897, and made oath that the above statement by him made and subscribed

is true and correct. I say that he is well known to me to be a man of respectability, veracity, and truth. I have no interest in the matter whatever. My post-office address is Castine, Hancock County, Me.

JOHN P. SHEPHERD, *Justice of the Peace.*

Numerous other affidavits are submitted, from which it appears that claimant cared for soldier from early infancy, giving him the same care and support that would have been accorded had soldier been his own son; also that soldier contributed to the support of his stepfather prior to enlistment in the Army.

Claimant is now 89 years of age and without property.

Following precedents already established, your committee report the bill back favorably and recommend its passage.

The bill is therefore reported back with the recommendation that it pass, when amended as follows:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 5 strike out the word "deceased."

In line 7 strike out the word "at" and insert in lieu thereof the words "and pay him a pension at the rate of."



CORNELIA M. MASON.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. KERR, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 3111.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 3111) granting a pension to Cornelia M. Mason, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension, at the rate of \$30 per month, Cornelia M. Mason, of 1448 N street NW., Washington, D. C.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3111) granting a pension to Cornelia M. Mason, have examined the same and report:

The claimant is the widow of Bvt. Brig. Gen. John S. Mason, whose military record is as follows:

Case of John S. Mason, late colonel Fourth Ohio Infantry Volunteers and brigadier-general of volunteers.

It is shown by the official records that John S. Mason was appointed colonel Fourth Ohio Infantry Volunteers October 4, 1861; that he assumed command of the regiment October 16, 1861; that on February 28, 1862, he was in command of the artillery brigade; that he was appointed brigadier-general of volunteers November 29, 1862, to rank from the same date, and accepted the appointment January 9, 1863; that he assumed command of the First Brigade, Third Division, Second Army Corps, at the battle of Fredericksburg, Va. (December 12 or 13, 1862); that he was assigned to the command of the district of Ohio in orders dated April 6, 1863, and assigned to the command of the United States forces at Columbus, Ohio, in orders dated April 14, 1863; that, in addition to his other duties, he was assigned to the draft rendezvous at Camp Chase, Ohio, in orders dated July 11, 1863; that he was assigned as assistant to the provost-marshal-general of the United States for the State of California and Nevada Territory, and directed to assume the duties of superintendent of the volunteer recruiting service for that State and Territory in orders dated November 17, 1863; and that he was assigned to the district of Arizona in orders dated February 20, 1865. He was honorably mustered out of the volunteer service in orders dated April 30, 1866, but continued in command of the district of Arizona until June 3, 1866, when he relinquished command of that district.

On October 8, 1862, he applied for a leave of absence for twenty days for the purpose of recruiting his health, which application was accompanied by a surgeon's certificate of disability of the same date, in which it is stated that this officer had

chronic diarrhea, a disease under which he had been laboring since the 28th of June, 1862, and that the disease had assumed an aggravated and serious form. A leave of absence for twenty days was granted him, in orders dated January 31, 1863, on surgeon's certificate of disability dated January 28, 1863, in which it is stated that he was suffering from bronchitis; that he was predisposed to tuberculosis, nearly all of his near relatives having died of that disease; that the pain and tenderness in the region of the apex of the left lung, together with spasmodic asthma that is so frequent a concomitant of his difficulty, rendered his situation in camp exceedingly precarious, and that a change of climate was necessary. A leave of absence was granted him February 20, 1863, upon surgeon's certificate of disability of the same date, in which it is stated that he was suffering from pulmonary affection which would be much aggravated by exposure, and which precluded the possibility of his performing duty in the field except at the risk of life or permanent disability.

Respectfully submitted.

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

RECORD AND PENSION OFFICE,
War Department, March 26, 1898.

The SECRETARY OF WAR.

Abundant proof has been submitted to your committee showing that Mrs. Mason is entirely destitute, her own affidavit being in these words:

MARCH 23, 1898.

I, Cornelia M. Mason, widow of John S. Mason, United States Army, do hereby affirm that on the death of my husband all means of support ceased and left me destitute.

CORNELIA M. MASON.

Subscribed and sworn to before me this 23d day of March, A. D. 1898.

[SEAL.]

JNO. Y. WORTHINGTON,
Notary Public, District of Columbia.

Your committee is of opinion that this case is one of merit, and that the widow of this gallant soldier is entitled to relief from the Government. The passage of the bill is therefore recommended after being amended by striking out, in line 7, the words "seventy-five" and inserting in lieu thereof the word "thirty."

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 7, after the word "Army," insert the words "and pay her a pension."



MARY ELIZABETH HIESKELL.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BOTKIN, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 2545.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 2545) granting an increase of pension to Mary Elizabeth Hieskell, have examined the same and the evidence relating thereto and respectfully report:

This bill as amended proposes to increase from \$8 to \$20 per month the pension of Mary Elizabeth Hieskell, of Philadelphia, Pa., widow of Horace M. Hieskell, late pay director, United States Navy, who was commissioned a purser in the Navy, title changed to paymaster, July 22, 1860. Appointed fleet paymaster May 8, 1864. Commissioned a pay director March 3, 1871. Placed on the retired list September 24, 1875. He died at Philadelphia, Pa., December 26, 1891. A transcript from the records of the city of Philadelphia shows that he died December 26, 1891, of general paresis, aged 74.

The widow, this claimant, filed a claim February 24, 1892, under the general law, which was rejected December 10, 1895, on the ground that death resulted from general paresis not due to any disability in service which has been legally accepted.

Soldier is shown by the records to have been treated in service in 1845 for fever, purging, and pain in the bowels. In 1856 for colic; in 1858 for fever following chill; in 1873 for conjunctivitis, and in 1874 for intermittent fever and subluxatio; in 1875 for acute tonsillitis, chronic rheumatism, and rheumatic gout.

Wm. R. Dunton, M. D., testifies that Horace M. Hieskell was under his professional care from 1868 to the time of his death. That while on duty in China he contracted dysentery, from which he never entirely recovered, being always afterwards subject to relapses. He also, while on duty, contracted rheumatism, to severe attacks of which he was subsequently subject. In consequence of these infirmities he became prematurely old and feeble. He was attacked with hemiplegia in 1886 and gradually the paralysis became general. His death, which was

hastened by the prevailing epidemic of influenza, occurred December 26, 1891, at the age of 74 years.

The same physician, in an affidavit executed March 22, 1894, says:

After exposure on a passage to Washington in charge of Government money, Pay Director Hieskell had a very severe attack of rheumatism—his first—from which he never fully recovered, and afterwards he was also liable to acute attacks. His heart was feeble, but I do not remember any valvular disease. In 1887, after a chill, he had a very severe attack of hemiplegia of the entire right side, with aphasia, from which he only partially recovered. He had a very slight attack previously, and two afterwards. About two years subsequently to his severe attack signs of general paresis appeared. On the west coast of Africa he contracted the fever. In the China seas he suffered with dysentery and diarrhea and always afterwards from sequelæ of these diseases. Consequently his health was poor and his senile condition premature, which probably caused his paresis.

This claimant was married to Pay Director Hieskell February 16, 1881, his former wife having died in 1875, and is 44 years of age. She is pensioned at \$8 per month as a Mexican war widow, on account of the services of her husband in the Mexican war. It is alleged by the claimant that unless she secures a further pension from the Government she will be compelled to seek shelter in some charitable institution or be dependent upon the bounty of friends. A similar bill was favorably reported from this committee in the Fifty-fourth Congress at \$30 per month.

The following is a copy of a letter from Thomas H. Looker, former Paymaster-General of the Navy:

THE COMMITTEE ON INVALID PENSIONS.

*GENTLEMEN: As former Paymaster-General of the Navy (now retired) and as an old friend of the same rank (relative rank of commodore) of Pay Director H. M. Hieskell, U. S. N., his widow, Mary Elizabeth Hieskell, appeals to me to aid in her application for a pension of \$30 per month.

Pay Director Hieskell was one of the best and most meritorious officers of the Navy, serving many years. He once saved one of our vessels of war to the Government and the lives of officers and men from a planned mutiny which he discovered and reported (the brig *Somers*), and again in Norfolk, in 1861, he, at the risk of his life, patriotically saved moneys and valuable papers from capture by the enemy.

These were great and signal and meritorious services to his country. His widow and daughter are in great need. I earnestly trust that the pension may be granted.

Respectfully,

THOS. H. LOOKER,
United States Navy.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 4, after the word "roll," insert "subject to the provisions and limitations of the pension laws."

In line 6, after the word "Navy," insert "and pay her a pension."

In line 6 strike out the word "thirty" and insert in lieu thereof the word "twenty."

Strike out all after the word "month" in line 7 and insert in lieu thereof the following: "in lieu of the pension she is now receiving."

Amend the title so as to read: "A bill granting an increase of pension to Mary Elizabeth Hieskell."

PATRICK BREEN.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CASTLE, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 3110.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 3110) granting a pension to Patrick Breen, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension at the rate of \$12 per month Patrick Breen, of Boise, Idaho.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3110) granting a pension to Patrick Breen, have examined the same and submit the following report:

The records of the War Department show that this soldier served in the United States Army from September 14, 1865, to November 19, 1881, when he was honorably discharged, having served over sixteen years.

He made application for pension under the general laws March 11, 1892, alleging that in an engagement with Indians at Cedar Springs, Ariz., his wounded horse fell, injuring lower portion of spine, the kidneys, and the small of the back. This application was rejected on the ground of no record evidence of the alleged injury to spine and kidneys and claimant's inability, after being aided by a thorough special examination, to furnish competent evidence connecting said injury with the service and line of duty.

The claimant also made application under the act of June 27, 1890, which was also rejected on the ground that claimant did not serve ninety days during the war of the rebellion.

He was rated by the examining board in 1892 at \$8, and in February, 1897, at \$18 per month; and the affidavit of physicians who examined him in December last (hereto attached) show that he is totally unable to perform manual labor at the present time, and his ailments chronic.

Your committee are of the opinion that further evidence to show origin of disabilities in the service should be waived and pension allowed. The passage of the bill is therefore recommended, with an amendment as follows:

Add to the bill the words, "and pay him a pension at the rate of twelve dollars per month."

BOISE, IDAHO, December 7, 1897.

I have carefully examined Patrick Breen, of Boise, Idaho. I find him suffering from rheumatism of the back; muscles swollen and flabby; also rheumatism of the left arm; he is pale and weak. I find he has also an aggravated case of internal

hemorrhoids. His condition is chronic and may have been the result of injury received long ago. In my judgment he is totally unable to perform manual labor.

H. P. USTICK, M. D.

Subscribed and sworn to before me this 8th day of December, 1897.

C. C. LIGGINS,
Justice of the Peace in and for West Boise Precinct, Ada County, Idaho.

IDAHO STATE MEDICAL SOCIETY,
Boise, Idaho, December 7, 1897.

Having carefully examined Patrick Breen, of Boise, Idaho, I hereby certify that he has rheumatism of the back and left arm, and is also afflicted with external hemorrhoids, and that in my judgment as a physician he is unable to perform manual labor.

GEO. COLLISTER, M. D.

Subscribed and sworn to before me December 7, 1897.

[SEAL.]

JONAS W. BROWN.

This is to certify that I have examined Mr. Patrick Breen, of Boise, Idaho.

He complains of pain in his back from a hurt he received during service in United States Army by a horse falling upon him in a charge against Indians. The horse got shot by the Indians and fell against his back. He complains about pain in his shoulders, arms, and hips, calling it rheumatism. He also says that he has bleeding piles.

I examined his back; could not find any scar. Specific gravity of urine, 1.020; no albumin; trace of sugar; urine clear as water. Examined rectum; found a good many pile tumors; veins enlarged; rectum relaxed.

He no doubt has rheumatism, as he requires help to put on his overcoat, but I did not find any enlargement or ankylosis of joints. I examined his heart; found no organic disease of same, but beats quick and weak, which I ascribe to his last sickness; pulse 90. I attended to Mr. Breen from November 17 to November 28 for bronchitis. He is making a slow recovery. He is still coughing in the morning.

W. H. ZIPF.

BOISE CITY, *December 4, 1897.*

The bill is therefore reported back with the recommendation that it pass.



WILLIAM J. MURRAY.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GIBSON, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 1334.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1334) granting a pension to William J. Murray, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension, at the rate of \$12 per month, William J. Murray, of Hot Springs, Ark.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1334) granting a pension to William J. Murray, have examined the same and report:

A similar bill was introduced in the Senate during the Fifty-fourth Congress, passed the Senate, and was reported favorably by the House.

The Senate report was as follows, which your committee adopt, and recommend the passage of the bill:

The claimant under this bill rendered the Government exceedingly valuable services in the telegraph department of the Gulf and in the Red River campaign. He suffered unusual hardships while in the service of the Government, and is now totally blind. The annexed affidavits show all the facts in the case.

Your committee are of opinion that the bill is a meritorious one, and its passage is recommended.

STATE OF ARKANSAS, *County of Garland*:

Wm. J. Murray, being duly sworn, states as follows:

I, William J. Murray, entered U. S. Military Telegraph Department of the Gulf early in September, in the year 1862, under the supervision of Lieut. J. Elnate Smith, and continued in said service a foreman of construction and repairs until said Lieut. J. Elnate Smith was relieved by Capt. Chas. S. Bulkley. I still continued in the service in the same capacity, obeying every order issued to me, regardless of consequences to myself, during Gen. N. P. Banks' Red River campaign in year 1864; and at the vacation at Arandecor myself, with two companions, Richard Scott and Edward Conway, were ordered down the river at a point near the mouth of Cane River where it intersects with the Red River, to report to Commodore (late Admiral) Porter, for the purpose of blowing up the gunboat *Eastport*, which was aground and could not be floated off. Here Commodore Porter detained us three days in the vain effort to float her. In the meantime the army had advanced to Alexander, which

left both banks of the river unguarded, when we were permitted to destroy the *Eastport*, and after performing that service a boat was sent from the gunboat *Fort Himan* to take us on board, but was fired on from the bank directly over us. Several attempts were made to get us that afternoon, with the same result. The banks of the river were so steep at this point the gunboats could not elevate their guns so as to clear the banks. They, however, protected us until dark, when we made a detour up the river, through mud and water, for perhaps half a mile, when we entered the woods. We were bewildered and, must say, badly scared. We became lost. Our suffering was intense, without food or water, as we had to travel, or rather crawl, by night and lay in ambush all day, and pray to the wood ticks. We were in this condition for several days and nights. My hardships was increased by my boots cutting my feet, and the first night's travel succeeding the three or four nights' travel I was compelled to go barefooted, sometimes crawling on my hands and knees, sometimes assisted by my companions, until we reached a point some 6 miles below Cane River, where we were picked up by the gunboat *Fort Himan*, which was ordered by Commodore Porter to remain ten days and nights to abate our coming in. As soon as we were taken on board we proceeded to Alexander. Here I remained during the construction of the dam by Colonel Baley, unable to bear a sock on my feet or to stand up without support, on account of the dizziness or swimming in my head, and like a hair or smoke before my right eye. After reaching New Orleans I was treated by Dr. C. C. Baird, of that city. He advised me to quit the service; that there was something the matter with my brain, and in time I would lose my mind.

In a few weeks, however, I became accustomed to my deformity. About this time Captain Bulkley was relieved from duty in the department by Captain Fullar. This was, I think, in Sept., 1864. I was again able to resume my duty until October 21st of that year. While extending a line from Fort Morgan to Navy Cove, the depot of supplies for the army operating against Mobile, I was suddenly seized with a dizziness and was unable to stand alone. I was taken to my home at New Orleans and again treated by Dr. Baird. I was therefore forced to quit the service with the sight of my right eye almost gone and the left badly affected. I did not, however, become totally blind until the year 1872. I do not know where to address Captain Bulkley. I was informed, by letter from San Francisco in 1867, that he had sailed for China; since then I have heard nothing of him. Captain Fullar I know very little about, not even knowing his initial, as my service under him was very short. I am sure the gentleman would readily respond to my appeal, and could be found. Dr. Baird, who treated me at the time, is also dead.

I have advertised in the New Orleans Daily Delta for Richard Scott, the one of two companions of the Red River campaign supposed to be living, but I have met with no response.

his
WILLIAM X J. MURRAY.
mark

Subscribed and sworn to before me this the 27th day of January, 1893.

[SEAL.]

W. A. KIRK, *Notary Public*.

(My commission expires April 15th, 1896.)

Be it known that I, Stephen Thomas, of Montpelier, Washington County, and State of Vermont, being duly sworn, do affirm and declare that I was commissioned colonel of the 8th Regiment of Vermont Volunteers on the twelfth day of November, A. D. 1861, and was in command of said regiment in the military Department of the Gulf of U. S. Army in 1862 and 1863, and that J. Elliot Smith was quartermaster-sergeant of said 8th Regiment, and that while on duty with the regiment said Smith was promoted to be lieut. and superintendent of military telegraph lines in Dept. of the Gulf by command of Major-General Benjamin F. Butler, commanding said Department of the Gulf. The said Lieut. J. Elliot Smith remained in charge of the telegraph lines of said department until after General Butler was relieved from command of said Department of the Gulf.

I furthermore state upon oath that William J. Murry was employed by said Lieut. J. Elliot Smith as constructor and repairer of telegraph lines in said department, and that said Murry performed his duties in said position with conscientious faithfulness and ability, and to the interest and benefit of the U. S. Government, and that the services so rendered by the said Murry were arduous, important, and of great advantage to the military operations in said Department of the Gulf.

I furthermore state upon oath that I have no interest, directly or indirectly, in the said Murry, or any benefit or advantage he may derive from this affidavit, or any matter or subject it may affect.

I further state that I am eighty-three years old, and a resident of Montpelier, Washington County, Vermont, where I do make and execute this instrument on the third day of January, A. D. 1893.

STEPHEN THOMAS.

Witness: F. E. SMITH.

On this third day of January, A. D. 1893, personally appeared Stephen Thomas, who was colonel of the Eighth Regiment Vermont Volunteers in the years 1862 and 1863, and to me personally well known as a person of truth, veracity, and whose statement is entitled to full credit, and who subscribed the above instrument in my presence and made oath to it before me, and he personally swore that he had no interest whatever in William J. Murry, therein referred to.

[SEAL.]

RALPH B. DENNY, *Notary Public.*

I, Fred E. Smith, late quartermaster of the 8th Regiment Vermont Volunteers, had personal knowledge of the efficient and intelligent application of William J. Murray to his duties as constructor of telegraph lines in the Dept. of the Gulf, U. S. A., in 1862-'3. His service was efficiently and faithfully rendered under direction of J. Elliot Smith, military superintendent of telegraphs by appointment of Maj. Gen. B. F. Butler, commanding the department.

Mr. Murray was always loyal and devoted, and his services of great value and benefit to the Government.

FRED. E. SMITH,
Late Quartermaster 8th Vt. Regiment.

Fred. E. Smith, personally known to me as late quartermaster 8th Regt. Vt. Vols., personally appeared and made oath to the above statement by him made and subscribed.

Before me,

[SEAL.]

RALPH B. DENNY, *Notary Public.*

The said Fred. E. Smith further made oath that he was in no manner, either directly or indirectly, interested in or to be benefited by any matter to be effected by this affidavit.

I certify that said Fred. E. Smith is a person upon whose statement full reliance can be placed.

RALPH B. DENNY, *Notary Public.*

MONTPELIER, VT., *January 3, 1893.*

HEADQUARTERS FIRE DEPARTMENT,
New York, December 30, 1892.

I hereby certify that William J. Murray was in the employment of the United States Government in the Department of the Gulf, as constructor of telegraph lines, in 1862-63, during the command of Major-General Benjamin F. Butler in that department, and that said Murray was acting under orders from me in the performance of his duties, by virtue of my appointment to the position of military superintendent of telegraph for the Department of the Gulf, by General Butler, and that said Murray performed the duties of his position intelligently and satisfactorily and to the benefit of the Government during the period of such employment.

J. ELLIOT SMITH,
*Qu'r M'r Sergeant, 8th Vt. Vols.,
Asst. Mil. Supt. Telegraph, Dept. of Gulf.*

Sworn to before me this 30th day of December, 1892.

[SEAL.]

WM. P. ALLEN, *Notary Public, N. Y. Co.*

This is to certify that Mr. Wm. J. Murry is incurably blind from retinitis apoplectica.

O. J. SHORT, M. D., *Oculist.*

HOT SPRINGS, ARK., *Jan. 26, 1893.*

Subscribed and sworn to before me this the 27th day of January, 1893. And I further certify that O. J. Short is a regular practicing physician of this city in good professional standing.

[SEAL.]

W. A. KIRK, *Notary Public.*

(My commission expires Ap'l 15th, 1896.)

HOT SPRINGS, ARK., *January 26, 1893.*

I hereby certify that I am personally acquainted with William J. Murray, and have been for the past several years, and have attended him professionally; and I further testify that he is totally blind in both eyes, and has been so during the entire time of my acquaintance with him. He has been blind for twenty years, according to his statement, and I have been told by citizens of this city that he came here 14 years ago totally blind. I further state as my professional judgment that he will never recover his sight.

I further certify that I have no interest in the benefit that may accrue to said Murray.

WM. H. BARRY, M. D.

Subscribed and sworn to before me this the 27th day January, 1893. And I further certify that W. H. Barry is a regular practicing physician of this city in good professional standing.

[SEAL.]

W. A. KIRK, *Notary Public.*

(My commission expires Ap'l 15th, 1896.)

The Senate bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 9 strike out the words "said pension to be" and insert the words "and pay him a pension."

○

BARNEY SMITH.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GIBSON, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 2813.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 2813) granting a pension to Barney Smith, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension at the rate of \$12 per month, Barney Smith, of St. John, Kans.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 2813) granting a pension to Barney Smith, have considered the same and make the following report:

A like bill was introduced in the House in the Fifty-fourth Congress (H. R. 4530) and was reported favorably by the Committee on Invalid Pensions.

A copy of the report is hereto attached, and your committee adopt the same and make it a part of this report, and recommend the passage of the bill with an amendment, by striking out the word "seventeen," in line 8, and inserting in lieu thereof the word "twelve."

[House Report No. 2859, Fifty-fourth Congress, second session.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4530) granting a pension to Barney Smith, having considered the same, report:

This soldier claims to have enlisted as a private in Company E, Eighth Tennessee Infantry, or Company E, Tenth Tennessee Volunteer Infantry, on November 1, 1864, and was honorably discharged March 1, 1865.

The facts in the case, as shown by proof, are that Capt. Samuel Erwin enlisted this man, and on the next day after enlistment took Barney Smith and other recruits and started for Atlanta, Ga. On arrival at Atlanta they found that the troops had returned to the vicinity of Nashville, Tenn. On their return to Horse Shoe Bend, between Chattanooga and Nashville, the train on which they were riding was attacked by the enemy and wrecked, and in the engagement the claimant received a bayonet wound of forehead and a gunshot wound of left wrist and a fracture of the left shoulder blade.

On arrival at Nashville the hospitals were all much crowded, and Captain Erwin was unable to secure admission for claimant to any hospital, and secured and gave claimant a discharge. This the claimant lost en route to Columbus, Ohio.

The War Department fails to find claimant's name on the rolls of either organization alleged, and a copy of claimant's discharge or the order granting it can not be

found. For this reason the Pension Bureau has rejected his claim for pension. The claimant is an ignorant man, unable to read or write, and laboring under mental difficulties which prevented his securing proof of his service and discharge to satisfy the War Department.

The board at Larned, Kans., who examined him February 18, 1891, rated him four-eighteenths for gunshot wound of left shoulder, ten-eighteenths for gunshot wound of wrist, and two-eighteenths for piles.

Medical testimony shows that in addition to his wounds the claimant is suffering with severe case of piles and heart disease, and is unable to perform any kind of manual labor.

It is believed from the testimony that this soldier enlisted as alleged, but before being mustered into service he received the wounds and injuries alleged, and, not having been mustered in owing to the improbability of his being able to perform military duty, he was informally discharged.

As a gunshot wound in battle has long been considered equivalent to formal muster into service, the committee recommend the passage of the bill without amendment.

The bill is therefore reported back with the recommendation that it pass.



ELMER STICKLE.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BROWNLOW, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 1775.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 1775) to remove the charge of desertion standing against Elmer Stickle, and to grant him an honorable discharge, have examined the same and the evidence relating thereto and respectfully report.

This bill as amended proposes to remove the charge of desertion standing against, and to correct the military record of, Elmer Stickle, of Binghamton, N. Y., and to grant him an honorable discharge, with the proviso that no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of the act.

It is shown by the records and evidence filed at the War Department that Elmer Stickle was enrolled August 11, 1862, at Newton, N. J., as a private in Company D, Fifteenth New Jersey Volunteer Infantry, to serve for three years.

He was with his company to May 3, 1863, when he was wounded in action at Fredericksburg, Va. In May and June, 1863, he was absent sick and was also reported and borne on the rolls as sick in hospital to February 29, 1864. The records state in March and April, 1864, "Deserted while absent sick in United States hospital." The medical records of the hospital do not show that the soldier deserted.

It is proved that the soldier was granted a furlough on account of wounds and sickness, and went home, and that the captain, who was an old neighbor and friend of his, told him to remain until he was able to return and perform duty. It is also proved by several reputable witnesses that at the time stated the soldier returned home, and that he was totally disabled from the effects of a gunshot wound, and that he remained at his home, disabled, until after the close of the war. The physician who treated him while at home died many years ago, but other witnesses testify to the fact that the soldier returned home and remained at home, where he was well known under his true name, in the sick and disabled condition described. Physicians of repute testify

that, judging from the cicatrices, the soldier's wounds were serious and must have disabled him for years. Other evidence is filed showing the soldier's wounds, sickness, and disability, his inability to return to his regiment, and that he remained at and about his home constantly until after the close of the war.

It is undisputed that the soldier was wounded twice in battle and that he was sent to the hospital, and that he went from there to his home on account of his disabilities. He did not change his name, enlist in any other service, or conceal himself. He was not regarded at the hospital as a deserter, and this goes to show that he went home with leave and on account of his disabilities. If this soldier had been regarded as a deserter from the service the Government would surely have made efforts to find him, punish him for his desertion, and return him to duty. The fact that no such effort was made and that the soldier remained where he could have been found any day is satisfactory evidence that he never was a deserter, but that he was known to be home on sick leave and was only marked as such on the company rolls through a mistake or inadvertence. It is probable that his furlough was not reported properly to the commanding officers of the company, or that there was some neglect somewhere in the matter.

The soldier has been a good citizen since the close of the war. An effort has been made to secure a removal of this charge at the War Department, but without avail, as the case is not strictly within the provisions of law applicable thereto. The record of the soldier was good up to the time he went home wounded from the hospital, and there is no pretense that he shirked in the face of the enemy.

Your committee is satisfied that the record of desertion was error; that the soldier never intended to desert and never did desert, and the bill is therefore reported back with the recommendation that it pass when amended as follows:

At the end of line 7 add the words: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Amend the title so it will read: "A bill for the relief of Elmer Stickle."



ALMON SPRINGSTEEN.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BROWNLOW, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 2656.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 2656) to remove the charge of desertion standing against Almon Springsteen, and to grant him an honorable discharge, have considered the same and the evidence relating thereto and respectfully report:

This bill as amended proposes to remove the charge of desertion standing against and to correct the record of Almon Springsteen, of Binghamton, N. Y., and grant him an honorable discharge, with the provision that no pay, bounty, or other emoluments shall become due by virtue of the passage of the act.

Almon Springsteen was enrolled August 22, 1862, and mustered into service as a drummer in Company E, One hundred and thirty-seventh Regiment New York Volunteer Infantry, to serve for three years. He was discharged September 27, 1862, while at his home sick, and one Marion F. Rich was substituted for him.

Subsequent to such discharge, on December 3, 1863, he was arrested as a deserter by the provost-marshal of the twenty-sixth district of New York, and delivered at the military post, Elmira, N. Y., December 5, 1863. He was received at Louisville, Ky., December 19, 1863, forwarded to Nashville, Tenn., December 20, 1863, and received at the regiment in January, 1864, and remained with the regiment until he was sent to the rear sick in May, 1864. He was received at Fortress Rosecrans June 28, 1864, from the general hospital at Murfreesboro, Tenn. He was released from arrest as a deserter, and the Quartermaster's Department was directed to furnish him with transportation to his home. (See paragraph 20, Special Field Orders, No. 261, Department of the Cumberland, September 21, 1864.) The War Department decided that the arrest of the soldier as a deserter and a subsequent detention did not reinstate him in the military service.

Under date of April 27, 1892, Colonel Ainsworth, Chief of Record and Pension Division, stated that there is no law under which the

Department can remove the charge of desertion and grant him an honorable discharge, and that relief can only be afforded through special legislation of Congress.

From the facts stated it is self-evident that this man was never a deserter and that his arrest as such was improper and illegal. He was discharged sick by his superior officers and left at home, and another man went in his place and served until the end of the war. The soldier remained at his home, and when arrested and sent on to the front he was not treated as a deserter, but after a little was returned by the Government to his home at its expense. The charge of desertion standing on the records is the result of negligence or inadvertence, and as the Department is without power to correct the record, and the action of Congress has been recommended by the War Department, the bill is reported back with the recommendation that it pass when amended as follows:

In line 5 strike out the capital letter "F" and insert in lieu thereof the capital letter "E."

In line 6, after the word "Volunteers," insert the following: "remove the charge of desertion standing against him."

At the end of line 6 add the following: "*Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

Amend the title so it will read: "A bill for the relief of Almon Springsteen."



BLANCHE T. HUNTON.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. DE VRIES, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany S. 2785.]

The Committee on the Public Lands, having had under consideration the bill (S. 2785) for the relief of Blanche T. Hunton, respectfully report the same back and recommend that the bill do pass.

The following are the facts supporting this report:

Indisputable evidence was submitted to your committee to the effect that on the 28th day of August, 1888, John Hunton was duly appointed by the Secretary of War post trader of the military post situate upon the Fort Laramie Military Reservation, in the county of Laramie, State of Wyoming, and that he entered upon the discharge of his duties as such post trader, but before doing so he purchased the buildings and stock of goods owned by his predecessor, paying therefor the sum of \$3,500 for the buildings and \$4,500 for the stock of goods.

In the month of September, 1889, the said military post of Fort Laramie, was ordered abandoned, and on the 9th day of April, 1890, all of the buildings situate on said reservation and belonging to the post, excepting only one set of quarters, were sold by the United States at public auction, and said post thereupon abandoned as a military station.

Blanche T. Hunton, wife of John Hunton, is now the bona fide owner of six valuable buildings, formerly a part of said post, all of which are situate on the northeast quarter of the northeast quarter of section 29, township 26 north, of range 64 west, in Laramie County, State of Wyoming, which said described lands are a part of the public domain of the United States, four of said buildings being constructed of concrete and adobes, and hence can not be removed without their practical destruction.

No other person or persons, save and excepting the said Blanche T. Hunton, own any other building situate or located on said described tract of land.

The said Fort Laramie abandoned military reservation has been appraised by a board appointed for that purpose with the view of offering it for sale at public auction, the appraised value being \$1.25 per acre.

The object of this bill is to permit the said Blanche T. Hunton, who now owns the buildings on said abandoned military reservation, to purchase the said described land at the appraised value of \$1.25 per acre.

HOMESTEAD CLAIMANTS, ETC.

MAY 16, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. EDDY, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 10170.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 10170) for the relief of homestead claimants who serve in the Army, Navy, or Marine Corps of the United States in the existing war with Spain, and for other purposes, report the same back with the recommendation that the same do pass.

The object of this bill is apparent on its face. It simply provides that homesteaders who enter the military or naval service of the United States shall have time they are absent in such service counted in making their final proof the same as if they continued to reside on the land.



GRANT OF CERTAIN LANDS TO SANTA BARBARA, CAL.

MAY 16, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. STEVENS, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 9554.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 9554) granting certain lands to the city of Santa Barbara, Cal., have had the same under consideration and submit the following report:

This bill provides for the conveyance of 3,120 acres of the public domain, or so much thereof as may be selected, located in the Santa Ynez Mountains, to the city of Santa Barbara, Cal., to be paid for by said city when selected at the rate of \$1.25 per acre.

This bill was introduced at the request of the municipal government and the commercial organizations of the city by a petition in which it was shown that the present water supply of the city was wholly inadequate to the needs of the people, and that their dependence is in developing water from tunnels in the land owned by the National Government in township 5 north, of range 27 west, of the San Bernardino meridian.

It was shown that this land is wholly of a rugged and barren character, unfit for grazing, agriculture, mineral, or timber location, and while of no value for any of these purposes, may become, if water can be developed, of great value to Santa Barbara.

The objects for which this grant is asked are threefold:

First. To secure locations for driving tunnels into the mountains in order to develop, if possible, a municipal water supply.

Second. To preserve the purity of such water supply when developed.

Third. To protect from depredations and fires the growth of brush now partially covering the watershed, from which the supply of water for the city is and must be drawn, and thereby preserving the supply itself.

It has been the policy of the Government to protect the water supply of cities by legislation authorizing the purchase by cities of lands for these purposes, or by donation of land, or by exercising the executive power creating forest reserves where such action has been necessary.

The Commissioner of the General Land Office has reported that the

records of his office show the land described in the bill to be vacant and unappropriated, and that this legislation meets with his hearty approval.

The Department of the Interior suggests some amendments as to the description of the lands, which have been adopted by the committee.

The committee recommends that the bill do pass with the following amendments:

In line 5, page 1, strike out the word "southwest" and insert in lieu thereof the word "southeast."

In line 1, page 2, strike out the word "east" and insert in lieu thereof the word "west."

And in line 1, page 2, strike out the word "southwest" and insert in lieu thereof the word "southeast."

In line 5, page 2, after the word "acres" insert the following words: "or so much thereof as said city may select."

In line 6, page 2, strike out the word "is" and insert in lieu thereof the word "are," and at the end of the first section add the following:

Provided, That said city shall pay for said lands so selected the sum of one dollar and twenty-five cents per acre.

And it is further amended by striking out all of section 2 of said bill.

○

JOHN W. MAJORS.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GIBSON, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 3487.]

The Committee on Invalid Pensions, to whom was referred House bill 3487, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from \$12 to \$24 per month the pension of John W. Majors, of Sacramento, Ky., who served in Company B, Third Indiana Cavalry, from August 22, 1861, to December 22, 1862, and from November 18, 1863, to September 2, 1865, in Company H, Thirteenth Indiana Cavalry, and was honorably discharged from both services. The records show him to have been treated while in the service for diarrhea (acute), dysentery, chronic diarrhea, chronic rheumatism and debility, and to have been discharged from his first service on account of dropsy or continued and excessive œdema of the lower extremities.

He does not appear to have filed a claim for pension under the general law, but has filed and established a claim under the act of June 27, 1890, and is pensioned under said act at \$12 per month for rheumatism and resulting disease of heart and complete left oblique inguinal hernia.

The certificate of examination made at Central City, Ky., January 4, 1893, rates six-eighths for chronic rheumatism, six-eighths for incomplete inguinal hernia.

Another examination at the same place February 13, 1895, shows claimant to be emaciated, ænemic, with general wasting of the muscular system, disease, with total loss of sight of left eye, rheumatism and disease of heart, varicose veins of both legs, and complete left oblique inguinal hernia. After describing varicose veins, the report concludes:

We think they are the result of cardiac disease as above described. This man is a day laborer. His hands are soft. He shows no evidence of vicious habits, and in our opinion is not able to do any manual labor.

A petition filed with this committee, signed by a large number of citizens of Sacramento, Ky., states that claimant is blind, with a wife almost blind, and three children, all in destitute circumstances. That he is unable to do labor of any kind, and has to pay house rent, doctor's bills, and procure food and raiment for his family, which he can not do on his present pension.

In view of the record of chronic diarrhea and dysentery, chronic rheumatism and dropsy, and the finding by the examining board of chronic rheumatism, disease of heart, and varicose veins, it seems that claimant is very greatly disabled from causes originating in the service, and that it is not improper to pension him for rheumatism, diarrhea, dropsy, and their results, subject to the provisions and limitations of the pension laws.

He is now 55 years of age and needy, and an increase to \$24 per month is fully justified. The bill is reported back with the recommendation that it pass when amended as follows:

In line 8, after the word "pension," insert the words "at the rate."

SACRAMENTO, KY., *April 5, 1897.*

To the Hon. J. D. CLARDY,
Washington, D. C.

We, the undersigned, petition you in behalf of John W. Majors, ex-soldier, to use your labor and influence to get passed a private pension bill for his benefit. He is blind, with a wife almost blind, and three small children, all of which are in destitute circumstances. He holds a pension certificate, No. 886614, under which he is now drawing \$12 per month, but owing to his inability to do labor of any kind it is insufficient for his and family's necessary support. He has to pay house rent, doctor's bills, and provide food and raiment for himself and family, which he can not do with his present pension. Do what you can for him, for he is an object of pity and charity.

R. M. Kincheloe, E. B. McEuen, G. F. McIntire, C. A. Kincheloe, M. L. Board, J. T. Morehead, R. C. Quesenberry, R. M. Stroud, J. W. Vancleave, W. H. Moore, R. P. Hendricks, J. O. Potter, I. O. Kittinger, B. H. Morehead, H. A. Moorman, E. McEuen, Jonas C. Vahl, D. W. Bishop, John Romhild, John Medley, W. L. McIntire, Alaska Ross, G. G. Frazier, W. C. Grundy, A. J. Frazier, K. W. Coffman, H. M. Gwynn, J. N. Dossett, R. T. Dossett, Walter Scott, Sam Stringer, Clark Batsel, C. W. Totten, Nettie L. Short, E. F. Short, T. C. Ellison, R. B. Coffman, L. J. Garst, Wait West, G. T. Garst, R. W. King, F. F. Gibson, R. W. Clark, J. W. Johnson, G. W. Martin, B. L. Bennett, C. E. Bibb, W. H. H. Kinney, John Cobb, John Scott, C. W. Bennett, J. H. Kittinger, J. G. Shacklett, M. L. Stout.

ELIZABETH D. PITTMAN.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. WARNER, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 5746.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 5746) granting a pension to Elizabeth D. Pittman, have examined the same and all the evidence relating thereto and respectfully report:

This bill as amended proposes to pension, at \$12 per month, Elizabeth D. Pittman, of Plymouth, Ill., the mother of William E. Potter, late private, Company K, Nineteenth Illinois Volunteer Infantry, who served from June 17, 1861, to July 19, 1864, and was honorably discharged. The records show him to have been treated while in the service for varioloid.

He filed a claim December 21, 1881, under the general law, based on typhoid fever, measles, rheumatism, disease of heart, partial dropsy, disease of head, and apoplexy. He furnished the testimony of comrades as to fever, measles, resulting in abscesses in the head, and as to existence, at time of filing testimony, of rheumatism, partial deafness, heart disease, and threatened apoplexy, believed to be results; but claim was rejected in May, 1888, on the ground of claimant's failure, after a reasonable time and due notice, to furnish the necessary evidence to establish it.

He filed and established a claim under the act of June 27, 1890, for rheumatism and disease of stomach, heart, and liver, and was pensioned for the same under said act at \$12 per month from July 19, 1890, until his death, in February, 1897.

There is no provision of the general pension laws under which a dependent mother may be pensioned unless her soldier son's death is shown to have been due to his service. That evidently can not be legally shown in this case, but it is shown that the soldier died leaving neither widow nor minor child, and that his mother is 90 years old, almost blind, and very feeble, and has no income or means of support except that afforded her by a granddaughter.

If this claim were admissible at the Pension Office the rate would be \$12 per month.

Your committee is of the opinion that an old patriotic mother who gave her only son to her country in its time of need should not be left in danger of the poorhouse when deprived of the aid such son would give her if living. The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 7, after the word "Infantry," insert the words "and pay her a pension."

In line 8 strike out the word "twenty" and insert in lieu thereof the word "twelve."

Strike out all after the word "month" in line 8.

Amend the title so as to read: "A bill granting a pension to Elizabeth D. Pittman."

STATE OF ILLINOIS, *Hancock County*, ss:

This day personally appeared before me, a notary public in and for said county and State, S. H. Aldridge, George B. McLelland, and Joseph A. Currens, citizens of the village of Plymouth, county of Hancock, State of Illinois, who, being first duly sworn, upon their oaths depose and say that they were well acquainted with William E. Potter, late of Company K, Nineteenth Illinois Volunteer Infantry, and that he drew a pension on certificate No. 769510, and that he died in said village of Plymouth on the 10th day of November, 1896; that he left surviving him his widowed mother, Elizabeth D. Pittman, who is now 89 years old; that he, the said William E. Potter, was, and has been for the last ten years, her sole and only support, and that she, the said Elizabeth D. Pittman, is now absolutely without means of support except through charity; that her health is fair considering her age, but she is almost blind and quite feeble.

S. H. ALDRIDGE.
GEORGE B. MCLELLAND.
JOSEPH A. CURRENS.

Subscribed and sworn to before me, at Plymouth, Ill., this 20th day of April, 1897.
[SEAL.] S. C. GILBERT, *Notary Public*.

STATE OF ILLINOIS, *County of Hancock*, ss:

In the matter of the application for pension of Elizabeth D. Pittman, dependent mother of William E. Potter, late of Company K, Nineteenth Regiment Illinois Infantry.

On this 7th day of April, A. D. 1898, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, S. H. Aldridge, aged 40 years, a resident of Plymouth, in the county of Hancock and State of Illinois, whose post-office address is Plymouth, Ill., and George B. McLelland, aged 36 years, a resident of Plymouth, in the county of Hancock and State of Illinois, whose post-office address is Plymouth, Ill., well known to me to be respectable and entitled to credit, and who, being duly sworn, declare in relation to the aforesaid case as follows:

That they have been well and personally acquainted with William E. Potter and Elizabeth Pittman, his mother, for nine years and ten years, respectively, and that the soldier, William E. Potter, died, leaving no widow or minor children. His mother at the time of his death was dependent upon him for her support. Since his death she has subsisted by the kindness of her neighbors and the help and care of her granddaughter. The old lady is 90 years old, is infirm and so blind that she can only just distinguish day from night, and requires someone to be with or near her at all times. Her granddaughter is financially unable to support her, as she has no means except her and her husband's earnings, and if it was not for the contributions of the citizens of this village the old lady would be in the poorhouse.

They further declare that they have no interest in said case, and are not concerned in its prosecution.

S. H. ALDRIDGE, *P. M.*
GEO. B. MCLELLAND.

STATE OF ILLINOIS, *County of Hancock, ss:*

Sworn to and subscribed before me this day by the above-named affiants, and I certify that I read said affidavit to said affiants and acquainted them with its contents before they executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiants are personally known to me, and that they are credible persons.

[SEAL.]

S. C. GILBERT, *Notary Public.*

STATE OF ILLINOIS, *County of Hancock, ss:*

In the matter of the application for pension of Mrs. Elizabeth D. Pittman, dependent mother of William E. Potter, late of Company K, Nineteenth Regiment Illinois Infantry.

On this 7th day of April, A. D. 1898, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Isaac H. Bodenhamer, aged 53 years, a resident of Plymouth, in the county of Hancock and State of Illinois, whose post-office address is Plymouth, Ill., and C. E. Grafton, aged 30 years, a resident of Plymouth, in the county of Hancock and State of Illinois, whose post-office address is Plymouth, Ill., well known to me to be respectable and entitled to credit, and who, being duly sworn, declare in relation to the aforesaid case as follows:

That they have been well and personally acquainted with Mrs. Elizabeth D. Pittman for twelve years, respectively, and that they were also well acquainted with her son William E. Potter for twenty years and seventeen years, respectively. Twelve years ago her son William E. Potter brought her to his home in this village and introduced her as his mother, and cared for and nursed the old lady, calling her mother until his death, and his daughter has continued to furnish a home for her since his demise. We were near neighbors of them ever since she came here twelve years ago to live with him, and although we have no record to show that he was her son, we are satisfied that the claimant, Elizabeth D. Pittman, is the mother of William E. Potter, and we know that during the time mentioned he was her only support.

They further declare that they have no interest in said case and are not concerned in its prosecution.

ISAAC H. BODENHAMER.
C. E. GRAFTON.

STATE OF ILLINOIS, *County of Hancock, ss:*

Sworn to and subscribed before me this day by the above-named affiants, and I certify that I read said affidavit to said affiants and acquainted them with its contents before they executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiants are personally known to me, and that they are credible persons.

[SEAL.]

S. C. GILBERT, *Notary Public.*

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CLARISSA A. DUNHAM.

MAY 16, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HENRY, of Connecticut, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 6427.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6427) granting a pension to Clarissa A. Dunham, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension at \$12 per month Clarissa A. Dunham, of Pittsfield, Mass., the dependent stepmother of Marcus N. Dunham, late private, Company D, United States Engineers, United States Army. Soldier served from October 25, 1862, to June 18, 1864, when he died in the service from pyæmia following amputation of thigh, necessitated by an incised wound of ankle received by accident.

Bradish P. Dunham, the father of the soldier, filed and established a claim under the general law and was pensioned as a dependent father from June 19, 1864, to December 12, 1895, when he died.

The beneficiary of this bill was married to the father of the soldier in September, 1853, at which time the soldier was 8 or 9 years of age. She is shown to have given the soldier the care of a mother until he entered the service.

Evidence filed with this committee shows that this claimant and the father of the soldier were dependent on the father's pension for a living, and that when he died she was left without any property, income, or means of support. She is 79 years of age.

Your committee has frequently declared, and the Senate has approved, that the stepmother who really was a mother to the soldier shall be treated as the mother.

The bill is reported back with the recommendation that it pass.

Nathaniel Fellows, of New Lebanon, Columbia County, State of New York, being duly sworn, deposes and says that his age is 80 years. He was well acquainted with Bradish P. Dunham, who died November 6, 1895, and who was a United States pensioner for a great many years. He very well knew when said Bradish P. was married

to Clarissa Axtell. He boarded with them for a long time. Said Bradish P. had by his first wife five children, including Marcus N., who afterwards went to the war. Said Clarissa A., who is yet living, lived with said Bradish P. as his wife from the time of their marriage in 1853 or 1854 until said Bradish P. died. She exercised a mother's care over said Marcus N. and the other children from the time of their marriage as well and as much as a real mother could.

I have no interest in this claim.

NATHANIEL FELLOWS.

STATE OF NEW YORK, *Columbia*, ss:

APRIL 16, 1898.

Then personally appeared the within-named Nathaniel Fellows, known to me to be the person who executed the foregoing affidavit, and made oath to the truth of the same.

Before me.

WARREN FOWLER,
Notary Public, Columbia County, New York.

Clarissa A. Dunham, of Pittsfield, Berkshire County, Mass., being duly sworn, deposes and says that she is the widow of Bradish P. Dunham, deceased; said Bradish P. died at New Lebanon, Columbia County, State of New York, on the 6th day of November, A. D. 1895; that she was married to Bradish P. on the — day of September, 1853; at the time of her marriage to said Bradish P. he had, by a former wife, a son by the name Marcus N. Dunham; Marcus N. Dunham died in the service of the United States on or about the 19th of June, 1864; said Bradish P. Dunham, on account of the death of said son, received a pension from the United States Government of \$12 per month. The number of the pension certificate was 212816, dated March 30, 1885, increased from \$8 to \$12 per month March 19, 1886. That said Marcus N. Dunham was born in 1844 or 1845, as she believes. She and the said Bradish P. Dunham lived together as husband and wife until the day of his death, as above stated; they were dependent upon said pension for their support, and that she has now no means of support; that her age is 79 years.

CLARISSA A. DUNHAM.

COMMONWEALTH OF MASSACHUSETTS, *Berkshire*, ss:

DECEMBER 15, 1897.

Personally appeared the above-named Clarissa A. Dunham and made oath to the truth of the above statement by her subscribed, and I certify that I have no interest in this claim.

H. J. DUNHAM, *Justice of the Peace.*

Mary M. Hotchkiss, wife of Eugene Hotchkiss, of Pittsfield, Berkshire County, Mass., being duly sworn, deposes and says her age is 50 years; she is the daughter of Bradish P. Dunham, who died November 6, 1895, and was at the time of his death holder of pension certificate No. 212816. Marcus N. Dunham, who was a private, Company D, United States Engineers, was her brother. Her mother and the mother of said Marcus N. died in 1852, leaving in all five children. Her father, the said Bradish P., in 1853 or 1854 married Clarissa Axtell. Said Clarissa A., at the time of the marriage, assumed the care of all of said children the same as a real mother, and continued such care until the children had grown up and moved away. Said Marcus N. remained at home until he enlisted and went to the war. Said Clarissa A. and my father lived together as husband and wife until my father's death. Said Clarissa A. is now living and resides in said Pittsfield, and is in destitute circumstances. I have no pecuniary interest in this claim.

MARY M. HOTCHKISS.

COMMONWEALTH OF MASSACHUSETTS, *Berkshire*, ss:

FEBRUARY 24, 1898.

Then personally appeared the above-named Mary M. Hotchkiss, known to me to be the person who executed the above affidavit, and made oath to the truth of the same before me.

H. J. DUNHAM, *Justice of the Peace.*

PITTSFIELD, MASS., *February 23, 1898.*

Henry J. Dunham, of Pittsfield, Berkshire County, Mass., being duly sworn, deposes and says he was 65 years old on the 26th day of June last. Bradish P. Dunham, who died at New Lebanon, in the State of New York, on the 6th day of Novem-

ber, A. D. 1895, and who at the time of his death was the owner and holder of pension certificate No. 212816, was a brother of his. They were both born at Savoy, in said county of Berkshire. Said Bradish P. Dunham for his first wife married Maritta Cain and by her had five children, all of whom were living at the time of her death, in 1852, among whom was Marcus N. Dunham, the said private, Company D, United States Engineers, as mentioned in said certificate No. 212816. Said Bradish P. Dunham in 1853 or 1854 married Clarissa Axtell as his second wife. Said Clarissa is now the widow of said Bradish P., and is the applicant for pension. From the time of their marriage the said Clarissa A. and Bradish P. lived together as husband and wife until his death as above stated. From the time of their marriage until said Marcus N. enlisted in the United States service Clarissa A. exercised the care of a mother over said Marcus N. as much as any real mother could. This affiant from personal knowledge knows that the said Clarissa A. exercised a mother's care over all of said children in a most affectionate and motherly manner.

This affiant boarded in the family of said Bradish P. for about seven months after said marriage, and visited them in Michigan in 1859, and believes that all of said children were unable to notice any difference between said Clarissa A. and a real mother. This affiant visited Virginia in June, 1864, at the time of the death of said Marcus N.; had his body embalmed and brought home to the said Bradish P. and Clarissa A., in Canaan, N. Y. The funeral was held at their house, and the body of said Marcus N. was buried beside his own mother in New Lebanon, N. Y., the said Bradish P. and Clarissa A. attending the funeral and burial. I have no interest in this claim.

H. J. DUNHAM.

COMMONWEALTH OF MASSACHUSETTS, *Berkshire*, ss:

FEBRUARY 23, 1898.

Then personally appeared the above-named Henry J. Dunham, known to me to be the person who executed the above affidavit, and made oath to the truth of the same.

Before me.

[SEAL.]

HENRY L. DAWES, Jr., *Notary Public*.

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NATIONAL EXPOSITION OF AMERICAN PRODUCTS AND MANUFACTURES.

MAY 17, 1898.—Committed to the Committee of the Whole House on the state of the
Union and ordered to be printed.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 4080.]

The Committee on Interstate and Foreign Commerce, having considered the bill (S. 4080) providing for a national exposition of American products and manufactures at the city of Philadelphia for the encouragement of the export trade, respectfully report that the bill is the same as the bill heretofore reported (H. R. 8066; see House Report No. 1154), and for the reasons therein given we recommend that it pass. And we ask that S. 4080 be substituted for H. R. 8066 in consideration by the House.



THE COMMISSIONER OF THE LAND OFFICE
HAS THE HONOR TO ACKNOWLEDGE THE RECEIPT OF
YOUR LETTER OF THE 10TH INSTANT, AND TO INFORM YOU
THAT THE MATTER IS NOW UNDER CONSIDERATION.

ANNUAL REPORT OF THE COMMISSIONER OF THE LAND OFFICE FOR THE YEAR 1881

THE COMMISSIONER OF THE LAND OFFICE HAS THE HONOR TO
ACKNOWLEDGE THE RECEIPT OF YOUR LETTER OF THE 10TH INSTANT,
AND TO INFORM YOU THAT THE MATTER IS NOW UNDER CONSIDERATION.

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AND TO INFORM YOU THAT THE MATTER IS NOW UNDER CONSIDERATION.

REPORT

(To be presented to the House of Representatives)

The Commission on the Land Office has the honor to
acknowledge the receipt of your letter of the 10th instant,
and to inform you that the matter is now under consideration.
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CORYDON G. CRAFTS.

MAY 17, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MIERS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 8501.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 8501) granting a pension to Corydon G. Crafts, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension at \$12 per month Corydon G. Crafts, of Auburn, Me., dependent son of Moses Crafts, late a musician in the band of the Tenth Maine Volunteers, who served from September 23, 1861, to September 8, 1862, and was honorably discharged.

The soldier filed and established a claim under the general law for malarial poisoning and resulting disease of right hip, and was receiving a pension of \$30 per month therefor when he died, March 13, 1887, as a result of the causes for which pensioned.

The widow filed and established a claim under the general law and was pensioned at \$12 per month from the date of the soldier's death, with \$2 additional on account of a minor child (not this claimant) until such child reached the age of 16. The widow is drawing a pension of \$12 per month.

Corydon G. Crafts, in whose interest this bill was introduced, is over 30 years of age, consequently was over 16 years at the date of death of the soldier, and is not entitled to pension under existing laws. Evidence filed with this committee shows, however, that when 3 years of age he was run over by a team, since which time there has been no improvement in his mental condition, and his mental capacity is, and has been ever since that injury, about equal to that of a child of 3 years. He is absolutely unable in any way to take care of himself and is a constant source of anxiety and care and a great burden to his mother, who was left entirely without means.

This imbecile and helpless child of the soldier, who died of disease contracted in the service, is within the spirit and intent of the law, and should be assisted to the extent proposed by this bill. Both the House and Senate have repeatedly given relief in such cases.

The bill is reported back with the recommendation that it pass when amended as follows:

In line 4, after "place," insert "on the pension rolls."

In line 5 strike out "on the pension rolls as the surviving," and insert in lieu thereof the words "dependent and permanently helpless."

At the end of line 7 add the words "payable to his duly appointed guardian."

AUBURN, ME., *December 30, 1897.*

DEAR SIR: I hand you with this a petition signed by people whom you know, relative to the unfortunate child of the late Moses Crafts. This boy is 32 years old, and is utterly unable to do anything to provide himself with a living. He is absolutely dependent on his mother. This boy was run over when he was nearly three years old by a team, and destroyed his speech, and his intellect is just about the same as a child of that age. Of course this entire community would feel that any assistance you could render Mrs. Crafts was well deserved, as she was left with this boy without anything to help herself except her pension of \$12 a month. She has to provide a home for this boy.

Yours, truly,

GEORGE C. WING.

Hon. NELSON DINGLEY, Jr., M. C.,
Washington, D. C.

STATE OF MAINE, *County of Androscoggin, ss:*

In the matter of the claim for Caroline A. Crafts, guardian for Corydon Crafts, a person of unsound mind, said Caroline A. Crafts being the widow, and said Corydon Crafts the child, of Moses Crafts, late of Auburn, in said county, and musician in the Tenth Maine Regiment of Volunteers.

Personally came before me, a notary public in and for aforesaid county and State, Horace N. Johnson, aged 67 years, resident of Auburn aforesaid, in the county of Androscoggin, State of Maine, who, being duly sworn, declares in relation to aforesaid case as follows:

That he knew Moses Crafts from his childhood to the date of his death. His acquaintance continued with him without interruption during all that time, and that he was second principal musician in the band of the Tenth Maine Regiment, and that the said Moses Crafts was a member of said band. He knew of his army life and the causes for which he received a pension during his lifetime, and that his death was due to an increase of the troubles for which he was pensioned. He knew Caroline A. Crafts, whose maiden name was Caroline A. Ricker before she was married to Moses Crafts, and while not intimately acquainted with her, neither before nor since her marriage, he has known generally in regard to her and her family. He knows, too, of the unfortunate child for which application has been made for a pension, and that he is absolutely unable in any way to take care of himself, and that there has been no improvement in his mental condition since the time of his injury, which, as he remembers it, was when he was 3 years of age, and as near a description as could be given of him would be that his mental capacity was about equal to a child of that age. He was a constant source of anxiety to Moses Crafts and his wife during the entire lifetime of Crafts, and since his death has been a double burden to his mother, who was left entirely without means; and that he has no interest whatever in said case and is not concerned in its prosecution.

HORACE N. JOHNSON,
North Auburn, Me.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, and acquainted him with its contents before he executed the same; that said affiant is personally known to me; that he is a credible person and so reputed in the community in which he resides.

Witness my hand and seal this 2d day of February, 1898.

[SEAL.]

NATHAN W. HARRIS,
Notary Public.

STATE OF MAINE, *County of Androscoggin, ss:*

In the matter of the claim of Caroline A. Crafts, guardian for Corydon Crafts, a person of unsound mind, said Caroline A. Crafts being the widow and said Corydon Crafts the child of Moses Crafts, late of Auburn, in said county, and musician of the Tenth Maine Regiment of Volunteers, personally came before me, a notary public,

in and for aforesaid county and State, Adoniram B. Crafts, resident of Auburn, in the county of Androscoggin, State of Maine, who, being duly sworn, declares in relation to aforesaid case as follows:

I knew Moses Crafts in his lifetime. I was with him in the Army. We were both members of the band of the Tenth Maine Regiment of Volunteers. I knew him as long ago as 1848. He and I were second cousins. I knew of the disabilities for which he was pensioned, and know that he died in consequence of the same. I have always known his wife, Caroline A. Crafts, formerly Caroline A. Ricker, and she was an own cousin to me. I was for many years a partner in business with Moses Crafts, and knew him intimately and well, and his wife. I know about Corydon Crafts, their unfortunate child, who received an injury when he was 3 years old, and who never advanced any mentally after that time and is entirely unable to do anything that would be the least assistance to earning his daily bread. He has no more mental capacity than a child 3 years old, and all of his mental faculties and processes seemed to stop at the time of his injury. There is no one to take care of him but his mother, and she has no means except a pension which she receives from the Government. I have no interest in this case, or in its prosecution, and do not myself receive a pension.

ADONIRAM B. CRAFTS,
Auburn, Me.

Sworn to and subscribed before me this day by the aboved-named affiant; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same; that said affiant is personally known to me; that he is a credible person and so reputed in the community in which he resides.

Witness my hand and seal this 5th day of February, 1898.

[SEAL.]

NATHAN W. HARRIS,
Notary Public.

AMERICAN REGISTER TO STEAMSHIP CENTENNIAL.

MAY 17, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries,
submitted the following

REPORT.

[To accompany S. 4582.]

The Committee on the Merchant Marine and Fisheries report back Senate bill No. 4582, to provide an American register for the steamship *Centennial*, with the recommendation that the same do pass.

The facts are stated in the Senate report on this bill, which is annexed hereto.

[Senate Report No. 1085, Fifty-fifth Congress, second session.]

The Committee on Commerce, to whom was referred the bill (S. 4582) to grant an American register to the steamship *Centennial*, having duly considered the same, submit the following report:

As will be seen by the accompanying letter from the Assistant Secretary of War, the War Department desires to charter this ship at once for military use. She is now under the Danish flag, but is entirely owned by citizens of the United States. She has been carefully examined by naval officers, who report that she is admirably adapted to transport troops to Manila, for which service she is desired, being a staunch vessel and in excellent condition. She has been recently employed in similar service, and will accommodate about 1,200 persons, together with a large amount of freight. Her present location, at Seattle, is particularly advantageous at this juncture, as the voyage thence to Manila is shorter than from San Francisco by some 200 miles. It is absolutely necessary for the Government to employ ships now under other flags than our own, as there is not a sufficient number of American vessels on the Pacific coast available. It is also necessary that these vessels shall be placed under the American flag.

In view of these facts and of the urgent need of the Government in this time of war, the committee recommend the passage of the bill.

WAR DEPARTMENT, OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., May 12, 1898.

DEAR SIR: It is the desire of the War Department to charter the steamship *Centennial*, owned by Mr. Peter Larsen, of Seattle, Wash., for military use during the war with Spain. I have the honor, therefore, to request that she may be put in commission at the earliest practicable date.

Very respectfully,

G. D. MEIKLEJOHN,
Assistant Secretary of War.

Hon. W. P. FRYE,
Chairman Committee on Commerce, United States Senate,
Washington, D. C.

ARTICLE AS SUBMITTED TO THE EDITORIAL BOARD

Manuscript received by the Editor of the Journal of the American Medical Association, Chicago, Ill., U.S.A., May 15, 1917.

THE EDITOR OF THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION, CHICAGO, ILL., U.S.A.

REPORT TO THE EDITOR

The following is a report of the results of the investigation conducted by the author, which was published in the Journal of the American Medical Association, Chicago, Ill., U.S.A., May 15, 1917.

The following is a report of the results of the investigation conducted by the author, which was published in the Journal of the American Medical Association, Chicago, Ill., U.S.A., May 15, 1917.

With very respectfully,
Sincerely,
J. H. H. H.

AMERICAN REGISTER FOR STEAMER CATANIA.

MAY 17, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. PAYNE, from the Committee on the Merchant Marine and Fisheries,
submitted the following

REPORT.

[To accompany S. 3953.]

The Committee on the Merchant Marine and Fisheries report back Senate bill No. 3953, to provide an American register for the steamer *Catania*, with the recommendation that the same do pass.

The facts are stated in the Senate report on this bill, which is hereto annexed.

[Senate Report No. 1075, Fifty-fifth Congress, second session.]

The Committee on Commerce, to whom was referred the bill (S. 3953) to provide an American register for the steamer *Catania*, having duly considered the same, recommend the passage of the bill.

The facts of the case are fully presented in the accompanying sworn statement of the owner, and are substantiated by documentary evidence presented to the committee.

Speedy action on the bill is desirable, in view of the fact that the vessel is to be chartered by the Government of the United States for immediate use as a hospital ship, as will be seen by the letter of the Assistant Secretary of War, which is annexed.

DEAR SIR: Referring to the bill (S. 3953) to provide an American register for the steamer *Catania*, I beg to submit the following statement of the case, with accompanying evidence:

I, Montague Stanley Tweedie, a citizen of the United States, born in the city of New York and doing business at No. 9 Stone street, New York City, am the owner of the *Catania*, having purchased her as a wreck, through the Tweedie Trading Company, for the sum of \$8,500. The Tweedie Trading Company purchased the wreck from its foreign owners, Messrs. M. Sloman & Co., Mrs. L. Broderman, widow of C. A. Broderman, Mr. John A. Edye, and J. H. A. Stroberck, of Hamburg, for the sum of \$8,500 (see Exhibit A), and have since conveyed the vessel to me (see Exhibit B). The agents of the foreign owners aforesaid, Messrs. Funch, Edye & Co., have certified that the *Catania* was offered for sale to numerous parties, that only two offers were received for the vessel, and that the Tweedie Company's offer of \$8,500 was the best offer received, and accordingly the vessel was sold to the Tweedie Company. (See certificate of Funch, Edye & Co., agents, Exhibit C.)

The *Catania* is an iron schooner-rigged vessel of 2,198 tons gross register. (See full particulars, Exhibit D.)

The *Catania* was wrecked November 4, 1896, by stranding on a coral reef off the coast of Brazil while on a passage from Rio de Janeiro to New York. (See protest E.) Her injuries are recited in the survey made upon the vessel when she reached

the port of New York. The survey was made by Lloyds surveyors, Messrs. Congdon & Mancor, N. F. Lassoë, surveyor to German Lloyds, and Frank S. Martin, ship engineer and surveyor. (See survey, Exhibit F.) While the vessel was able to reach New York under her own steam it was found when she arrived that she was badly damaged and unseaworthy. These surveyors have sworn that upon the arrival of the *Catania* at New York, and when she was surveyed by them, she was in a badly damaged and unseaworthy condition, requiring extensive repairs to put her in a first-class sea-going condition, and that they are satisfied that the vessel's injuries were the result of her stranding on a coral reef off Brazil as aforesaid. (See affidavits of surveyors, Exhibit G.)

Bids for repairs to the *Catania* in accordance with the specifications attached to survey (Exhibit F) and prepared by surveyors, were requested from the following leading shipbuilding companies on the Atlantic coast: Morgan Iron Works, New York; John N. Robbins Company, Brooklyn; Quintard Iron Works, New York; Morse Iron Works, Brooklyn; Donald and J. McNeil, Brooklyn (Columbia Engineering Works); Reed & Duff, New York; Jas. Reilly Repair and Supply Company, New York; Lewis Nixon, Elizabeth, N. J.; Cramp Shipbuilding Company, Philadelphia; Newport News Shipbuilding Company, Newport News, Va.; Harlan & Hollingsworth, Wilmington, Del.

A copy of the letter of my agents, Messrs. Bowring & Archibald, submitting the specifications to the various shipbuilding concerns, is submitted herewith. (Exhibit H.)

Only two bids were received, one being from the Columbia Engineering Works, of Brooklyn, to do the work at \$24,270 (Exhibit I), and the other from the Morse Iron Works, of Brooklyn, N. Y., to do the work for \$18,975. (See Exhibit J.) The Morse Works bid, being the lower of the two, was accepted, and the work covered by their bid was performed. The receipt of the Morse Iron Works for \$19,366.10, paid them by me for their work, is submitted herewith. (Exhibit K.)

After work had begun on the *Catania* it was found that further repairs beyond those estimated were required, consisting of building over an entire new shelter deck and extensive further repairs to boilers and engines. (Exhibit K.)

This work was done at a cost of \$34,038.61.

I have also paid for dry docking in connection with the surveys and repairing of the *Catania* the sum of \$2,800. (See Exhibit K.)

To recapitulate—

Repairs according to specifications	\$19,366.10
Repairs in addition to those covered by specifications.....	34,038.61
Dry docking	2,800.00

Total repairs.....	56,204.71
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It will be seen that the repairs, amounting to \$56,204.71, are in excess of the law's requirements, being more than three times the purchase price of \$8,500. As this vessel could be registered under the general law but for the fact that her wreck occurred outside of the limits of the United States instead of within the same, I hope you and your committee will favorably report S. 3952.

I desire to state that as soon as the *Catania* is registered she will be used by the United States Government as a hospital ship.

Very truly,

M. STANLEY TWEEDIE.

Hon. WILLIAM P. FRYE,

Chairman Committee on Commerce, United States Senate.

DISTRICT OF COLUMBIA, *City of Washington:*

Subscribed and sworn to before me this 11th day of May, 1898.

[SEAL.]

R. B. NIXON, *Notary Public.*

WAR DEPARTMENT, OFFICE OF THE ASSISTANT SECRETARY,
Washington, D. C., May 12, 1898.

DEAR SIR: It is the desire of the War Department to charter the steamship *Catania*, owned by Mr. Montague Stanley Tweedie, of 640 Madison avenue, New York City, for military use during the war with Spain. I have the honor, therefore, to request that she may be put in commission at the earliest practicable date.

Very respectfully,

G. D. MEIKLEJOHN,
Assistant Secretary of War.

Hon. W. P. FRYE,

Chairman Committee on Commerce, United States Senate, Washington, D. C.

CHARLES HOWARD.

MAY 17, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. KERR, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 351.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 351) granting a pension to Charles Howard, have examined the same and all the evidence relating thereto and respectfully report:

This bill as amended proposes to pension at \$12 per month Charles Howard, of Salem, Ohio. He served as a private in Company F, Thirty-second Ohio Volunteer Infantry, and participated in two battles, serving as a regular soldier. He is a colored man and was not permitted to be mustered in, although he was permitted to fight.

During his service of several months' duration he incurred disabilities in the line of duty from which he is totally incapacitated for the performance of labor. He is old and poor and must go to the poorhouse unless assisted.

His failure of muster did not extinguish his patriotism, and in view of the facts your committee report the bill back with the recommendation that it pass when amended as follows:

In line 4, after the word "roll," insert the words "the name of."

In line 6, after the word "Infantry," insert "and pay him a pension."

Same line, strike out the word "six" and insert in lieu thereof the word "twelve."

Strike out all of lines 7 to 13, inclusive.

Your petitioner, whose post-office address is Salem, Columbiana County, Ohio, respectfully represents that he was born in Highland County, Va., being seven-eighths white, and is 51 years old. He came into the Union lines near Huntsville, W. Va., in the fall of 1861, and was taken to headquarters (thinks General Milroy's), where he was sworn in by an officer and was advised to join the Army. He was then uniformed and armed and joined Company F, Thirty-second Regiment Ohio Volunteer Infantry, about December 15, 1861, and did the various duties of a private soldier with said company and regiment. About the last of March, 1862, he was

attacked with camp diarrhea. He still did duty until after the battle of McDowell, W. Va., May, 1862, when he had become much weakened and emaciated, and camp fever also set in, and he was sent to hospital at Franklin, W. Va.; remained there some two or three weeks, when, about June 15, 1862, Capt. W. A. McAlister and Lieut. A. G. Hostetter, of the Thirty-second Regiment Ohio Volunteer Infantry, who were both disabled at that time, were granted leave of absence and brought your petitioner with them to Carroll County, Ohio. They then informed him that he could not be mustered into the service, and therefore they had taken him to their home in Ohio. He remained about one year, receiving medical treatment from Dr. Dibble, of Minerva, Ohio (since dead); then Drs. Stocken and Trago, of Carrollton, Ohio (both since dead); then came to Alliance and resided there one year, receiving treatment from Dr. Thomas (since dead). In the fall of 1864 came to Salem, Ohio, where he has since resided to the present time. On arriving at Salem, Ohio, he received treatment from Dr. Lyon until his decease; then by his successor, Dr. Shane, and then from Dr. Fawcett, who still is his family physician. His occupation has been that of a barber, and he has been and is now unable to perform manual labor by reason of his disabilities, viz, chronic diarrhea.

Not being mustered into service, he has not received any pay for the same or pension for his disabilities contracted in said service, and there being no law through or by which he can apply for and receive the same, and having not in any manner engaged or aided or abetted the rebellion in the United States, your petitioner therefore makes application to the honorable Senate and House of Representatives of the United States of America in Congress assembled, praying that he may be granted pay for said service rendered as above set forth, and asks that he may be granted a pension for his disabilities arising from chronic diarrhea, contracted while serving as above stated.

CHARLES (his x mark) HOWARD.

A. J. KING.

SMITH R. REED.

Sworn to and subscribed before me this 7th day of January, 1896; and I hereby certify that the contents of the above declaration, etc., were fully made known to the applicant before swearing, and that I have no interest, direct or indirect, in the prosecution of the same.

[SEAL.]

J. D. FOUNTAIN,
Notary Public.

STATE OF OHIO, *County of Carroll*:

On this 28th day of December, A. D. 1895, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Theobald D. Yost, aged 56 years, a resident of Minerva, in the county of Stark and State of Ohio, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

I was first lieutenant of Company F, Thirty-second Regiment Ohio Volunteer Infantry, at the time and on the dates hereafter referred to and was with said company and regiment in the discharge of my duty as such officer, and will say concerning the aforesaid claim as follows: Said Charles Howard came to the company aforesaid at Cheat Mountain Summit some time in the winter of 1861 and 1862, and was with said company until some time in June or July, 1862. I can not now call to mind whether or not said Howard was uniformed and carried a musket, only he was with us on scouts and foraging expeditions that I distinctly remember. Am satisfied said Howard would not have been taken with the company unless he carried a gun and performed the duties of a soldier. Said Howard took part in the fight at Monterey, and also that of McDowell Hill, W. Va., in the spring of 1862. He was with the company until we arrived at Franklin, W. Va., in the spring of 1862. Was taken sick and left at the hospital at Franklin, W. Va. I was afterwards captain of Twenty-sixth Ohio Battery Light Artillery. I further declare that I have no interest in said case and am not concerned in its prosecution. Post-office address, Minerva, Ohio.

T. D. Yost,
Late Captain Twenty-sixth Ohio Battery Volunteer Light Artillery.

STATE OF OHIO, *County of Carroll*, ss:

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me, and that he is a credible person.

[SEAL.]

M. V. B. UNDERWOOD,
Notary Public.

STATE OF OHIO, *County of Stark*:

On this 13th day of February, A. D. 1896, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, James Yant, a resident of Canton, in the county of Stark and State of Ohio, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

Affiant served in Company F, Thirty-second Regiment Ohio Volunteer Infantry, and Twenty-sixth Independent Battery, Ohio Light Artillery Volunteers, in war of rebellion, and was acquainted with Charles Howard; served with him in Company F, Thirty-second Regiment Ohio Volunteer Infantry. He came to the company in West Virginia, fall of 1861, and served in the company as a soldier until about June, 1862, when he was sent to hospital at Franklin, Va., suffering from camp diarrhea, and he did not return to company again while affiant was with same. He was engaged with us in the battles of Monterey and McDowell, in West Virginia. I was corporal and sergeant in the company at that time. Have made the above statement orally to D. K. Bush in his office in Canton, Ohio, on the 13th day of February, A. D. 1896, and was written by him and is made from my personal knowledge without being prompted in any manner; and he further declares that he has no interest in said case and is not concerned in its prosecution.

JAMES YANT.

STATE OF OHIO, *County of Stark*, ss:

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a credible person.

[SEAL.]

D. K. BUSH, *Notary Public*.STATE OF OHIO, *County of Jefferson*, ss:

On this 8th day of May, A. D. 1895, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Pleasant Brown, aged 80 years, a resident of Steubenville, in the county of Jefferson and State of Ohio, well known to me to be reputable and entitled to credit, and who, being duly sworn, declared in relation to the aforesaid case as follows:

The contents of this affidavit were written in his presence and from his oral statements, as made to Joseph Hall, of Steubenville, in the county of Jefferson and State of Ohio, on this 8th day of May, 1895, and that he did not use and was not aided or prompted by any written or printed statement or recital proposed as or dictated by any other person. Affiant is now and has been for the last fifty years well and intimately acquainted with the said Charles Howard, and well remembers at the time affiant and said Howard went from Crab Bottom, Highland County, Va. (near Monterey), in December, 1861, to Huttonsville, W. Va., to enlist in the United States Army; he saw said Howard enlist in Company F, Thirty-second Regiment Ohio Volunteers; he saw General Milroy give Howard a note or order to General Potts, of the Thirty-second Regiment Ohio, and then and there he saw Howard with uniform, knapsack, and musket, and knew he was put on duty for service as a private; and after that time—say April, 1862—he did not know anything further about Howard, as he left the Army on the Allegheny Mountains and came to Wheeling, W. Va. And he further declares that he has no interest in said case and is not concerned in its prosecution.

PLEASANT BROWN.

STATE OF OHIO, *County of Jefferson*, ss:

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a credible person.

[SEAL.]

JOSEPH HALL, *Notary Public*.STATE OF OHIO, *County of Columbiana*:

On this 26th day of December, A. D. 1895, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Charles L. Fawcett, aged 63 years, a resident of Salem, in the county of Columbiana and State of Ohio, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

I am a practicing physician and have been acquainted with said soldier for twenty years, and was not acquainted with claimant prior to enlistment, and did not treat

him when in the United States service nor when on furlough. I became his family physician in April, 1875, and have been ever since. I have prescribed for him for chronic diarrhea a number of times each year since April, 1875. Treatment only affords temporary relief. I am satisfied the disease has incapacitated him fully one-half each year for the performance of manual labor.

I have prepared and written the above statement at my office in Salem, Ohio, on the 26th day of December, 1895, from personal knowledge gained by being his physician, and I further declare that I have no interest in said case and am not concerned in its prosecution.

C. L. FAWCETT, M. D.

STATE OF OHIO, *County of Columbiana*, ss:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me, and that he is a credible person.

[SEAL.]

J. D. FOUNTAIN,
Notary Public.

STATE OF OHIO, *County of Stark*:

On this 3d day of December, A. D. 1895, personally appeared before me, a justice of the peace in and for the aforesaid county, duly authorized to administer oaths, Gustav A. Shane, aged 55 years, a resident of Waynesburg, in the county of Stark and State of Ohio, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows: He has been a practicing physician for twenty-eight years, and acquainted with soldier for three years, and that he was a resident of Salem, Ohio, in the years 1874 and 1875, during which time he treated Charles Howard professionally for chronic diarrhea. The said Howard then said this disease was contracted during the war of the rebellion and was contracted while in the military service of the United States.

The disease was of such character that, while for a time amenable to medical treatment, it would upon discontinuance of the same recur, said recurrence following invariably a cessation of treatment.

The affiant declares it as his professional opinion that the disease of the named Charles Howard was due to organic diseases of the gastrointestinal system that were permanent, and that, while modifications of the dominant symptoms were possible, permanent cure was of doubtful accomplishment. The affiant says the above statement is made from personal recollection and is in no wise suggested or dictated by any other person, and he further declares that he has no interest in said case and is not concerned in its prosecution.

GUSTAV A. SHANE.

STATE OF OHIO, *County of Stark*, ss:

Sworn and subscribed to before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant, Gustav A. Shane, is personally known to me, and that he is a credible person.

[SEAL.]

H. C. BAILEY,
Justice of the Peace.

STATE OF OHIO, *County of Columbiana*:

On the 25th day of November, A. D. 1895, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Diana Rummage, aged 54 years, a resident of Salem, in the county of Columbiana and State of Ohio, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

I became acquainted with the claimant in 1863, at Alliance, Ohio; saw him at this time two or three times each week at the hotel where I was working, and he complained frequently of not feeling well, having a bowel trouble. We both came to Salem, Ohio, in 1864, and have lived here since to the present time. From 1864 to 1869 I saw him quite often, and then for five years I made my home with his family, and know he suffered very much from bowel trouble and was frequently treated by Dr. Lyon, who is since deceased. Since that time I have kept up an acquaintance with him and know that he has continued to complain of diarrhea.

This testimony was written by J. D. Fountain, and in my presence and only from

my oral dictation, on this 25th day of November, 1895, and in making the same I was not prompted or aided by any written or printed statement prepared or dictated by any other person and not attached as an exhibit to my testimony; and I further declare that I have no interest in said case and am not concerned in its prosecution.

her
DIANA X RUMMAGE.
mark

W. C. HUTCHESON.
C. A. SCHERMERHORN.

STATE OF OHIO, *County of Columbiana*, ss:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant and acquainted her with its contents before she executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution.

[SEAL.]

J. D. FOUNTAIN,
Notary Public.

STATE OF OHIO, *County of Columbiana* :

On this 26th day of December, A. D. 1895, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Hugh G. Wright, aged 60 years, a resident of Salem, in the county of Columbiana and State of Ohio, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

I was a member of Company A, Thirty-second Ohio Volunteer Infantry; knew Charles Howard from 1861—say November of that year—until June, 1862; saw him frequently with Company F, Thirty-second Ohio Volunteer Infantry, doing soldier duty, dressed in regular uniform, and said Charles Howard was in actual duty at the battle of McDowell, in Virginia, and I saw him there with musket.

HUGH G. WRIGHT.

This affidavit was written by me from facts within my own personal knowledge, on this date; and I further declare that I have no interest in said case, and am not concerned in its prosecution.

HUGH G. WRIGHT.

JAMES M. REED.
WM. H. RESSLER.

STATE OF OHIO, *County of Columbiana*, ss:

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a credible person.

[SEAL.]

J. D. FOUNTAIN,
Notary Public.

On this 29th day of November, A. D. 1895, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Lawson Harper, aged 60 years, a resident of Salem, in the county of Columbiana and State of Ohio, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares, in relation to aforesaid case, as follows:

Became acquainted with the claimant, Charles Howard, on his coming to Salem in the fall of 1864, and have been acquainted with him ever since to the present time. He boarded with me for several months that fall and winter, and I remember well that at that time he had poor health and was very poor in flesh, being bothered with diarrhea, and I remember of him getting and using medicine for his ailment, and know that he was treated by Dr. Lyon up to the time of his death. I have never considered him a person able to perform manual labor on account of his bowel trouble. This affidavit was written in my presence, and only from my oral statements made this 29th day of November, 1895, before J. D. Fountain, at Salem, in the State of Ohio, and in making the same I did not use, nor was not aided or prompted, by any written or printed statement or recital prepared or dictated by any other person, and not attached as an exhibit to my testimony; and I further declare that I have no interest in said case and am not concerned in its prosecution.

LAWSON HARPER.

STATE OF OHIO, *County of Columbiana*, ss:

Sworn and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a credible person.

[SEAL.]

J. D. FOUNTAIN,
Justice of the Peace.

STATE OF OHIO, *county of Columbiana*:

On this 6th day of January, A. D. 1896, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Fitz Allen Brady, aged 64 years, a resident of Salem, in the county of Columbiana and State of Ohio, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares, in relation to aforesaid case, as follows:

I first became acquainted with Charles Howard, the claimant, when he came to Salem in the fall of 1864, and have since that time kept up an acquaintance with him to the present time. Soon after my first acquaintance with him I learned that he suffered very much from chronic diarrhea, and since that time have frequently heard him complain of this trouble; and I further declare that I have no interest in said case and am not concerned in its prosecution.

FITZALLEN BRADY.

STATE OF OHIO, *County of Columbiana*:

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a credible person.

[SEAL.]

J. D. FOUNTAIN,
Notary Public.

SALEM, OHIO, *November 30, 1895.*

MY DEAR SIR: Permit me to state that I have personally known Mr. Charles Howard, of this city, for more than twenty years, and take pleasure in saying that I have during these years always regarded him as a worthy and highly respected citizen.

Yours, very truly,

C. TOWNSEND.

Hon. R. W. TAYLER, *Washington, D. C.*

SALEM, OHIO, *December 18, 1895.*

DEAR SIR: Mr. Charles Howard, of this city, is, as I understand, an applicant for a pension on account of disabilities contracted in the service in the war of the rebellion as a private in Company F, Thirty-second Ohio Volunteer Infantry, and desires me to drop you a note in relation to the matter.

Of course I have no personal knowledge on the subject, but I have always understood that he was in the service, and my information is that he was enlisted and served, but was never formally mustered into the service, and that this lack of formal muster is the difficulty in his obtaining a pension, and that this will require a special act to entitle him to a pension. Mr. Howard has resided here ever since the war, and is a reputable citizen, and I have no doubt that what he says about his service is all right.

If you can aid him in the matter he will very highly appreciate any service you may render him in the premises, and I will be glad to have you do anything which you rightfully can for him.

Yours, very truly,

J. A. AMBLER.

Hon. R. W. TAYLER, *Washington, D. C.*

RACHEL T. ABBOTT.

MAY 17, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MIERS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 7257.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7257) granting a pension to Rachel T. Abbott, have examined the same and all the evidence and respectfully report:

This bill proposes to pension at \$12 per month Rachel T. Abbott, of Wilkesbarre, Pa., the mother of Lieut. Col. Eli T. Connor, Eighty-first Pennsylvania Volunteers, who served from October 1, 1861, to July 1, 1862, when he was killed in action. He left no widow, his wife having died in 1861. He left a minor child, who drew the pension of \$30 per month from the date of the soldier's death to July 25, 1866, and \$32 from that time until April 30, 1875, when she became 16 years of age. Since that time no one has drawn pension on account of the service of Lieutenant-Colonel Connor.

This claimant is also the mother of William I. Connor, who served as captain Company I, Eighty-first Pennsylvania Volunteers, and Hewitt J. Abbott, first lieutenant Company I, Eighty-first Pennsylvania Volunteers, both of whom have died, and each of whom left surviving a widow, who is now a pensioner.

This lady, who furnished three officers of the Union Army, all of whom are now dead, is 86 years of age, and has no property, income, or means of support.

She is certainly entitled to the aid this bill gives her; and the bill is reported back with the recommendation that it pass, when amended as follows:

In line 5, strike out "of Wilkesbarre, Pennsylvania."

In line 6 strike out the word "widowed" and insert "dependent" in lieu thereof.

Amend the title so as to read: "A bill granting a pension to Rachel T. Abbott."

STATE OF PENNSYLVANIA, *County of Carbon*, ss:

Charles E. Foster, of East Mauch Chunk, county of Carbon and State of Pennsylvania, being duly sworn, on oath says:

I am 72 years of age and have known Mrs. Rachel T. Abbott more than fifty years.

Rachel T. Abbott, the mother of Eli T. Conner and William I. Conner, by her first marriage, and of Hewitt Abbott by her second marriage, is now a very old woman in needy circumstances. Lieut. Col. Eli T. Conner, at the beginning of the late civil war in 1861, was my brother-in-law. I was captain of Company K of the same regiment—Eighty-first Pennsylvania Volunteer Infantry—at the time he was killed in battle of Malvern Hill, July 1, 1862, and when Capt. William I. Conner was wounded and Lieut. Hewitt Abbott killed at the battle of Charles City Cross Roads June 30, 1862. Capt. William I. Conner died in hospital at Scranton, Pa., and was buried at Mauch Chunk, Pa., Post 61, Grand Army of the Republic, officiating at his funeral. The old lady, Mrs. Rachel T. Abbott, has but one son living, and he is unable to support his own family and mother comfortably. The surviving daughter of Col. Eli T. Conner is now Mrs. Edward Loomis and lives at Elmira, N. Y.

CHAS. E. FOSTER.

Sworn to and subscribed before me this 14th day of February, 1898.

[SEAL.]

EDWARD I. J. PAETZER,
Prothonotary Carbon County, Pa.

STATE OF PENNSYLVANIA, *County of Luzerne:*

Alexander H. Van Horn, being duly sworn, on oath says: My age is 64 years; I reside at Wilkesbarre, Pa.; I am, and have been for over fifty years, well acquainted with the Rachel T. Abbott named in the above-stated bill; she is a very old woman; I think she is about 85 years of age; she has no property, real, personal, or mixed, and has no income from any source; on account of her advanced age she is unable to earn a livelihood and is totally dependent on others for her support.

She is the mother of Eli T. Conner, lieutenant-colonel Eighty-first Regiment Pennsylvania Volunteers, who was killed at battle of Malvern Hill, Va., July 1, 1862; Capt. William I. Conner, Company I, Eighty-first Regiment Pennsylvania Volunteers, who was wounded at Charles City Crossroads June 30, 1862, and at Fredericksburg, Va., December 13, 1862, discharged. He died at hospital in Scranton, Pa. She is also the mother of Hewitt J. Abbott, first lieutenant Company I, Eighty-first Regiment Pennsylvania Volunteers, who was killed at Charles City Crossroads, Va., June 30, 1862. I was intimately acquainted with the aforementioned soldiers, and after William I. Conner was wounded in 1862, I went from Summithill, Carbon County, Pa., to Washington, D. C., to bring him home, which I did. Mrs. Rachel T. Abbott was twice married, her first husband being William Conner and her second husband was James H. Abbott. I was well acquainted with the latter.

Mrs. Abbott had only one son in addition to the soldiers above named, who is still alive; but he has a large family, has no property, and is unable to contribute to the support of his mother.

Eli T. Conner left surviving him a daughter under 16 years of age. Hewitt J. Abbott left surviving him a widow and one daughter, who are still alive. William I. Conner left surviving a widow and six children, all of whom are alive.

ALEXANDER H. VAN HORN.

Sworn to and subscribed before me this 1st day of February, A. D. 1898.

[SEAL.]

WILLIAM A. O'NEILL,
Notary Public.

STATE OF PENNSYLVANIA, *County of Luzerne, ss:*

Nicholas Peckham, being duly sworn, on oath says: I am 78 years old and live at Wilkesbarre, Pa. I am now, and have been for the past thirty-six years, well acquainted with Rachel T. Abbott, the beneficiary named in the above-stated bill, and with the members of her family hereinafter named. Her two sons, Lieut. Col. Eli T. Conner, Eighty-first Regiment Pennsylvania Volunteers, and Hewitt J. Abbott, lieutenant, Company I, Eighty-first Regiment Pennsylvania Volunteers, were killed in the service during the late war, and her son William I. Conner, captain Company I, Eighty-first Regiment Pennsylvania Volunteers, was wounded, returned home, and died at Scranton, Pa. Mrs. Abbott has no income from any source, nor property of any kind. She is dependent on her friends for her support.

NICHOLAS PECKHAM.

Sworn to and subscribed before me this 3d day of February, 1898.

[SEAL.]

WILLIAM A. O'NEILL,
Notary Public.

STATE OF PENNSYLVANIA, *Luzerne County*, ss :

Edwin Shortz, esq., attorney at law, of the said city of Wilkesbarre, being duly sworn according to law, says that he has been acquainted with said Rachel T. Abbott for a long number of years last past. She is the mother of Lieut. Col. Eli T. Connor, Eighty-first Regiment Pennsylvania Volunteers, who was killed in action in McClellan's Peninsular campaign, 1862, and also the mother of Capt. William I. Connor, of the same regiment, who was desperately and incurably wounded in the same campaign, and who subsequently died at home, to the best of the knowledge and belief of affiant, by reason of the wounds received in action in that campaign.

Also, to the best of his knowledge, information, and belief, said Rachel T. Abbott is the mother of Lieut. Hewitt Abbott, of said Eighty-first Regiment Pennsylvania Volunteers, who also lost his life in action in the same campaign.

EDWIN SHORTZ.

Sworn and subscribed before me this 7th day of February, 1898.

[SEAL.]

WILLIAM A. O'NEILL, *Notary Public*.

STATE OF PENNSYLVANIA, *County of Luzerne*, ss :

Rachel T. Abbott, being duly sworn, on oath says: I am the Rachel T. Abbott named in the above-entitled act. My age is — years. I am a widow, and have been for the past twenty-four years. I now reside at Wilkesbarre, Pa. I have no property, real, personal, or mixed; have no income from any source; am unable to earn a living, and am dependent upon those not legally bound for my support.

I am the mother of Lieut. Col. Eli T. Conner, Eighty-first Regiment Pennsylvania Volunteers, who was killed in battle at Malvern Hill, Va., July 1, 1862; Capt. William I. Conner, Company I, Eighty-first Regiment Pennsylvania Volunteers, who was wounded at Charles City Crossroads June 30, 1862, and at Fredricksburg, Va., December 13, 1862, on account of which he was discharged April 21, 1863, and died at home. I am also the mother of Hewitt J. Abbott, first lieutenant Company I, Eighty-first Regiment Pennsylvania Volunteers, who was killed at Charles City Crossroads, Va., June 30, 1862. I was twice married. I married William Conner, my first husband, July 17, 1830, who died at Mauch Chunk, Pa., January 21, 1833. I married my second husband, James H. Abbott, January 21, 1836, who died March 15, 1873.

My son, Eli T. Conner, left surviving him a daughter under 16 years of age. My son, William I. Conner, left surviving him a widow and six children, who are still living. My son, Hewitt J. Abbott, left surviving him a widow and one daughter, who are still living.

All of these surviving parties being preferred, as I am informed, I can not be pensioned as a dependent mother under the general law.

RACHEL T. (her x mark) ABBOTT.

Witness:

D. L. O'NEILL.

J. F. O'NEILL.

Sworn to and subscribed this 2d day of February, A. D. 1898.

[SEAL.]

WILLIAM A. O'NEILL, *Notary Public*.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE
OFFICE OF THE CURATOR
OF THE MUSEUM OF ARTS
AND ARCHITECTURE
CHICAGO, ILLINOIS
JANUARY 1900

TO THE HONORABLE
THE PRESIDENT OF THE UNIVERSITY
OF CHICAGO
CHICAGO, ILLINOIS
SIR:
I have the honor to acknowledge
the receipt of your letter
of the 10th inst. and in reply
to inform you that the
same has been forwarded
to the proper authorities
for their consideration.
Very respectfully,
J. H. M. [Signature]

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE
OFFICE OF THE CURATOR
OF THE MUSEUM OF ARTS
AND ARCHITECTURE
CHICAGO, ILLINOIS
JANUARY 1900

MARY C. COOK.

MAY 17, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MIERS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 2036.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 2036) granting an increase of pension to Mary C. Cook, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from \$12 to \$20 per month the pension of Mary C. Cook, of 205 S street NW., Washington, D. C.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 2036) to increase the pension of Mary C. Cook, have examined the same and report:

A similar bill was introduced in the House of Representatives in the Fifty-fourth Congress and reported favorably. The report, which your committee adopt, is as follows:

The claimant is the widow of Lewis G. Cook, late mate, United States Navy, who was appointed an acting master December 19, 1861, and ordered to the Washington Navy-Yard, serving there on the *Octorora* and *Virginia* until detached and placed on waiting orders February 4, 1864; he was ordered to the Potomac flotilla May 17, 1865; ordered to the *Don* August 1, 1865; detached October 26, 1865, and honorably discharged from the service February 21, 1866.

He was reappointed acting master in the Navy May 24, 1866; served on the *Nina*, and was mustered out October 8, 1868.

He was appointed mate February 1, 1870, commanded the *Triana* and *Fortune*, and served at the Washington Navy-Yard, and was accidentally drowned while in the line of his duty August 4, 1876.

Mary C. Cook, the widow, is a pensioner at \$12 per month allowed under the general laws, and her contention is that as her husband served as an acting master, her pension should be graded the same as that of the widow of a master in the Navy. The testimony shows that the service of the sailor, both during the war of the rebellion and thereafter, was of a most arduous and meritorious character. The widow is now a sufferer from chronic rheumatism to such an extent as to be nearly helpless and wholly unable to do anything toward earning a livelihood. The testimony further shows that Mrs. Cook is in reduced circumstances and is in much need of the relief prayed for. It further appears that she is a woman of most deserving character.

The passage of the bill is respectfully recommended with an amendment, striking out the word "thirty," in line 8, and substituting therefor the word "twenty," so as to fix the rate of pension at \$20 per month.

The bill is therefore reported back with the recommendation that it pass, when amended as follows:

In line 7, after the word "Navy," insert "and pay her a pension."

Strike out all after the word "lieu," in line 8, and insert in lieu thereof the words "of the pension she is now receiving."

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ANNEXATION OF THE HAWAIIAN ISLANDS.

MAY 17, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HITT, from the Committee on Foreign Affairs, submitted the following

REPORT.

[To accompany H. Res. 259.]

The joint resolution (H. Res. 259) provides for the annexation of the Hawaiian Islands to the United States. The proposition is not new either to the Government of the little Commonwealth in the Pacific, to the United States, or to other nations. It has been apparent for more than fifty years that so small and feeble a Government could not maintain its independence, and that it must ultimately be merged into a greater power. It has been repeatedly seized and Honolulu occupied, and has repeatedly made overtures to the United States to be united with us. In 1829 the French commander, Laplace, seized Honolulu and held it for awhile, after forcing upon the Government a harsh treaty. In 1843 it was seized by the British commander, Lord Pawlet, but subsequently released by Great Britain upon the remonstrances of other powers. It was again seized by the French in 1849 and held for a considerable time, but was evacuated after diplomatic pressure from England and the United States.

In 1851 the King, pressed by his perplexities with France and England, delivered to our commissioner a deed of cession of the islands to the United States, to be held until a satisfactory adjustment had been reached with France, and failing that, permanently. In 1854 our Secretary of State, Mr. Marcy, authorized the negotiation of an annexation treaty. The King made a draft satisfactory to him and modifying the one proposed, but before the conclusion was reached he died. In 1893 a treaty was negotiated between our Government and that of the Hawaiian Islands for the annexation of the islands to the United States. No word of protest was uttered by any other Government. This treaty, while pending before the Senate, was withdrawn by the President, a change of Administration having taken place. Again, June 16, 1897, a treaty of annexation, similar in provisions to the joint resolution now

proposed, was agreed to by the Government of Hawaii and duly ratified by their senate.

There is, therefore, no undue pressure on the part of the United States as a greater power; no surprise of any one; no possibility of objections by other Governments. It is simply the obvious result of the natural course of events through a long period of years thus completed with the cordial consent of the sovereign powers of both Governments. The only question involved is whether the proposed possession of the Hawaiian Islands would be advantageous to the United States.

THEIR STRATEGIC IMPORTANCE.

Recent events in the existing war with Spain have called public attention to what has long been discussed by military and naval authorities—the inestimable importance to the United States of possessing the Hawaiian Islands in case of war with any strong naval power. They lie facing our Pacific coast. Their strategic importance is vastly increased by the fact that they are separated by thousands of miles from any other and more distant group in the northern Pacific Ocean and are the only group facing our coast. In the possession of an enemy they would serve as a secure base for attacking any and all of our Pacific coast cities. In our possession they would deprive the enemy's fleet of all facilities for coaling, supplies, or repairs, and speedily paralyze all his naval operations. The first object of an enemy attacking us on that side of the Republic would be to secure these islands, and in their present condition their possession would fall to the stronger naval power.

The leading nations—England, France, Germany, Japan, Spain, and the United States—have each a Pacific Squadron. Every one of these squadrons is stronger than ours save that of Spain, which is the weakest. Had the war in which we are now engaged been with any of the other powers they might have worsted our fleet and seized the Hawaiian Islands, which are not now defended by any fortification or cannon, thus exactly reversing our recent good fortune at Manila. They would then have had a convenient base for supplies, coal, and repairs, from which to actively harry and devastate our coast. But were we in complete possession of the Hawaiian Islands and they properly prepared for defense (which eminent officers of the Army and Navy stated to the committee could be done at a cost of \$500,000), our fleet, even if pressed by a greatly superior sea power, would have an impregnable refuge at Pearl Harbor, backed by a friendly population and militia, with all the resources of the large city of Honolulu and a small but fruitful country. Holding this all-important strategic point, the enemy could not remain in that part of the Pacific, thousands of miles from any base, without running out of coal sufficient to get back to their own possessions. The islands would secure both our fleet and our coast.

GENERAL SCHOFIELD'S VIEW.

As General Schofield stated to the committee—

The most important feature of all is that it economizes the naval force rather than increases it. It is capable of absolute defense by shore batteries; so that a naval fleet, after going there and replenishing its supplies and making what repairs are needed, can go away and leave the harbor perfectly safe to the protection of the

army. * * * The Spanish fleet on the Asiatic station was the only one of all the fleets we could have overcome as we did. Of course, that can not again happen, for we will not be able to pick up so weak a fellow next time. We are liable at any time to get into a war with a nation which has a more powerful fleet than ours, and it is of vital importance, therefore, if we can, to hold the point from which they can conduct operations against our Pacific coast. Especially is that true until the Nicaragua Canal is finished, because we can not send a fleet around from the Atlantic to the Pacific.

The same eminent and experienced soldier, when asked whether it would be sufficient to have Pearl Harbor without the islands, said we ought to have the islands to hold the harbor; that if left free and neutral complications would arise with foreign nations, who would take advantage of a weak little republic with claims for damages enforced by war ships, as is frequently seen. If annexed we would settle any dispute with a foreign nation; that we would be much stronger if we owned the islands as part of our territory, and would then also have the resources of the islands, which are so fertile, for military supplies; that if we do not have the political control they may become Japanese, and we would be surrounded by a hostile people.

Admiral Walker, who has had long experience in the waters of the Hawaiian Islands, emphatically confirmed the views of General Schofield, especially that it would cost far less to protect the Pacific coast with the Hawaiian Islands than without them; that it would be taking a point of vantage instead of giving it to your enemy.

RISK OF DELAY.

We must face the future in dealing with this proposed annexation. It is impossible for the Republic of Hawaii to maintain a permanent existence preserving in force the influences which are now in the ascendant there and which are cordial and friendly to the United States. Of its mixed population of 109,000 a powerful element is Japanese—24,407—of whom 19,212 are males, almost all of them grown men, for they are not divided as ordinary populations are in the usual proportions of men, women, and children. They are a far stronger element of physical force than the native race, which has diminished until there are now only thirty-odd thousand, of whom, by the usual proportions of population, there are not over 8,000 grown men. The native Hawaiian race can not in any contingency control the island. It must fall to some foreign people.

The Japanese are intensely Japanese, retaining their allegiance to their Empire and responding to suggestions from the Japanese officials. Very many of them served in the recent war with China. The Japanese Government not long ago demanded of the Hawaiian Government, under their construction of a treaty made in 1871, that the Japanese in the Hawaiian Islands should have equal privileges with all other persons, which would include voting and holding office. This claim was made when a flood of Japanese subjects, under the supervision of the Government of that country, of from 1,000 to 2,000 per month, were being poured into the Hawaiian Islands, threatening a speedy change of the Government into Japanese hands, and ultimately to a Japanese possession. The demand was resisted by the little Republic and a treaty of annexation with the United States arrested it for a time.

Japan protested earnestly to our Government against that treaty, but our Secretary of State refused to consider their protest; yet

the Japanese Government has not withdrawn its demand on the Hawaiian Government, and is waiting to renew and press it with more energy and success if annexation to the United States is rejected by this Congress. It could then in a few months throw many thousands of Japanese subjects into the Hawaiian Islands, completely overwhelming all other influences.

By a clause in our reciprocity treaty with the Hawaiian Islands we have the exclusive right to establish and maintain a coaling and repair station in Pearl Harbor, which is about 8 miles from the city of Honolulu, and capable of being made one of the best harbors in the world, easily fortified to make it impregnable from the sea. It is the only harbor of such a character in the whole group. We have thus far done nothing toward taking possession, fortifying, or opening the channel into the harbor, so that it is at present utterly useless, but capable of infinite possibilities.

The grant of this harbor to our Government is part of a reciprocity treaty. After that treaty had been ratified, but before the ratification had been exchanged, the Hawaiian minister and the Secretary of State of the United States exchanged notes which declared that our rights in Pearl Harbor would cease whenever the reciprocity treaty was terminated. That treaty may be terminated upon one year's notice by either party. It grants advantages in our markets to Hawaiian trade, and concedes to us not only the use of Pearl Harbor, but excludes any other nation from leasing a port or landing, or having any special privilege in the Hawaiian Islands, without the consent of the United States.

With the Japanese element in the ascendant and the Government under Japanese control the treaty would be promptly terminated, and with it our special rights. This would be the first step taken by that active and powerful Government toward the complete incorporation of the islands into the Japanese Empire, and their possession as a strategic point in the northern Pacific from which her strong and increasing fleet would operate. The Japanese Government is now friendly, but that would be the manifest dictate of enlightened self-interest to a wise Japanese statesman.

Annexation, and that alone, will securely maintain American control in Hawaii. Resolutions of Congress declaring our policy, or even a protectorate, will not secure it. The question of a protectorate has been successively considered by Presidents Pierce, Harrison, and McKinley in 1854, 1893, and 1897, and each time rejected because a protectorate imposes responsibility without control. Annexation imposes responsibility, but will give full power of ownership and absolute control.

AMERICAN COMMERCIAL INTERESTS PROMOTED.

The commercial interests of the United States, according to the declarations of our most eminent public men, would be promoted and secured by the union of the two countries. In those islands is an American colony numbering over 3,000 persons, who own practically three-fourths of all the property in the country, and, under the fostering influence of the reciprocity treaty, trade with the United States has so increased that we now consume almost all Hawaiian exports. The people of the islands purchase from us three-fourths of all their imports, and American ships carry three-fourths of all the foreign trade of the

island. American influence is ascendant in the Government, and the character of the American statesmen there in power was forcibly described by Mr. Willis, our minister to Hawaii, who was sent there by Mr. Cleveland in a spirit of hostility to them, but who was a truthful, honorable man, in these words: "They are acknowledged on all sides to be men of the highest integrity and public spirit."

Hawaiians of American origin are energetic, intelligent, and patriotic, and are holding that outpost of Americanism against Asiatic invasion. If annexation be rejected and foreign influence gets control of the islands, our interests and commerce will fall away. The American in Hawaii looks to the United States to make purchases, and there he desires to send what he exports. The Japanese merchant very naturally buys all he can in Japan, and will turn all trade there that is in his power. Our trade with the Hawaiian Islands last year amounted to \$18,385,000, and with annexation practically the whole trade with the Hawaiian Islands would come to the United States, and would rapidly increase.

We have now the larger part of the shipping business, 247 American ships being employed in carrying Hawaiian trade in 1896, which would be promoted and increased by annexation. Its past prosperity has depended upon the reciprocity treaty, and if that were abrogated by a party adverse to American interests gaining control this business, like all other American interests, would fall off.

ANNEXATION WOULD END FOREIGN COMPLICATIONS.

In the struggling interests that have recently come into play in the Pacific the separate existence of the Hawaiian Government is liable at any time to raise complications with foreign governments, as in the case mentioned above of the recent interposition of Japan. An independent feeble government is a constant temptation to powerful nations, in the stress of contending interests, to intermeddle and disturb the peace. Once incorporated into the territory of the United States, all this is done away.

CHARACTER OF THE POPULATION.

While the character of the comparatively small population of the Hawaiian Commonwealth is a minor consideration as compared with the transcendent importance of the possession of that strategic point in the Pacific, it may be briefly considered. It is a mixed population, 24,407 Japanese and 21,616 Chinese, or together nearly one-half of the entire 109,020 on the island; but after annexation the Asiatic element would be reduced. The contract system would be terminated, and United States restriction laws as to immigration would be applied. The Hawaiian penal code (paragraph 1571) would gradually send back the Chinese laborers. This annexation joint resolution forbids further Chinese immigration, and under it those now in Hawaii can not come to other parts of the United States. Our recent treaty with Japan, to go into effect next year, enables the United States to regulate the immigration of Japanese laborers. The supply being cut off, the number of Asiatics remaining in Hawaii would be very rapidly reduced by natural causes, which are plainly shown by the movements of the

Asiatic population in past years; for since 1893, though the flood of Japanese coming in has been strong, the departures each year have been half as many as the arrivals. Like the Chinese, when they have accumulated a moderate competence, the craving for home takes them back. The enormous excess of men coming shows on its face that they do not come to Hawaii to establish homes. The Hawaiian laws exclude them from homestead rights.

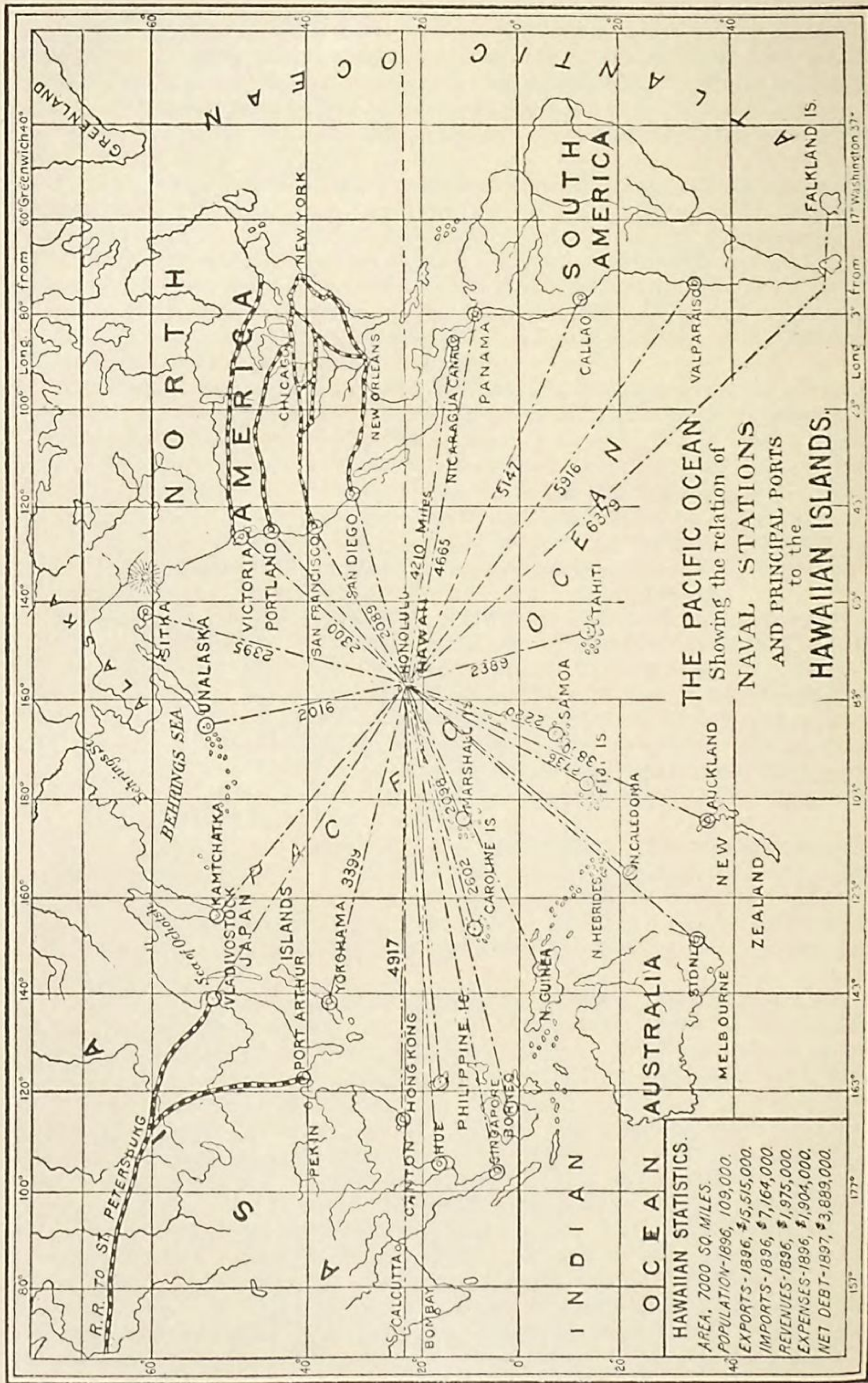
These constant and powerful causes operating, if annexation were carried out the Asiatic proportion of the population would rapidly diminish. There is a large element of what are called Portuguese—15,191—but of these, who are a quiet, laborious population, over 7,000 have been born there, educated in the public schools, and speak English as readily as the average American child. They are a useful, orderly people, and rapidly assimilate the American ideas and institutions which now prevail in the islands.

The British element, 2,250, the German, 1,432, and others of European origin, probably 1,000, are elements with which we are perfectly familiar in our own country, which readily sympathize and blend with our own people. They will naturally adhere and cooperate as against Asiatic influence. The native Hawaiian race is decreasing from year to year by some mysterious law which has been in operation for a century. It is reasonable to suppose that within ten years after annexation the inconsiderable population of these islands will not differ widely in character from that of many parts of the United States.

Some effort has been made to show that our beet-sugar industry would be retarded by the admission of Hawaii and the free admission of its sugar product. Raw Hawaiian sugar is now admitted free of duty under the reciprocity treaty. There is so little of it, altogether amounting to not one-tenth of our consumption, that it can not affect the general price of sugar one-tenth of a cent a pound. There are but 80,000 acres of natural sugar-cane lands in Hawaii, and they are all under cultivation, unless it be possibly some that might be irrigated by pumping water from 150 to 600 feet.

There would be one difference after annexation as to the restriction upon Hawaiian sugar. At present, under the reciprocity treaty, all *unrefined* Hawaiian sugar is admitted free of duty, but not refined sugar. After annexation both refined and unrefined would be admitted free, and sugar-refining interests in this country may object to annexation.

It has been objected that the Constitution does not confer upon Congress the power to admit "territory," but only "States." The same objection was raised to the acquisition of the Louisiana Purchase in 1803, because there was nothing in the Constitution expressly authorizing such admission by treaty, and Jefferson himself, who made the purchase, shared the doubt. But we have made eleven such acquisitions of territory, and the courts have sustained such action in all cases. Texas was annexed by a joint resolution of Congress similar to the one proposed now. The island of Navassa, in the Caribbean Sea, and many others have been made territory of the United States under the act of August 18, 1856, authorizing American citizens to take possession of unoccupied guano islands. They are United States territory, subject to our laws. So Midway Island in the Pacific, 1,000 miles beyond Hawaii, was occupied, and Congress appropriated \$50,000, which was expended trying to create a naval station there. The manifest princi-



ple is that the power to acquire territory is an incident of national sovereignty.

The acquisition of these islands does not contravene our national policy or traditions. It carries out the Monroe doctrine, which excludes European powers from interfering in the American continent and outlying islands, but does not limit the United States; and this doctrine has been long applied to these very islands by our Government. As Secretary Blaine said, in 1881—

The situation of the Hawaiian Islands, giving them strategic control of the north Pacific, brings their possession within the range of questions of purely American policy.

The annexation of these islands does not launch us upon a new policy or depart from our time-honored traditions of caring first and foremost for the safety and prosperity of the United States.

The committee recommend the adoption of the resolution.

HAWAIIAN ISLANDS.

COMMITTEE ON FOREIGN AFFAIRS,
Tuesday, May 10, 1898.

The Committee on Foreign Affairs this day met, Hon. R. R. Hitt in the chair.

Gen. J. M. SCHOFIELD and Admiral JOHN G. WALKER appeared before the committee.

The CHAIRMAN. The committee will bear in mind that they gave informal instructions to the chairman to request the presence of General Schofield and Admiral Walker at this meeting of the committee, when resolution 259 will be before them for consideration by an order already made. Those gentlemen are present, and I will ask General Schofield if he will be kind enough to give the committee such views and information as he can as will enlighten them in the consideration of this joint resolution providing for annexing the Hawaiian Islands to the United States; and the reason we have sent for you was on account of the personal experience you have had on your part to some extent, and also your character as a soldier and commander of the Army for a long time.

STATEMENT OF GEN. J. M. SCHOFIELD, UNITED STATES ARMY.

General SCHOFIELD. Mr. Chairman, I presume that members of the committee are familiar with the general ideas which have been advanced for many years by military and naval men in regard to the value of the Hawaiian Islands to the United States. I will therefore be as brief as possible, so as not to repeat what has been so often said before; but first, to show the interest that we have always taken in the subject, I wish simply to recall the fact that I, in company with General Alexander, one of the most distinguished engineer officers of the Army at that time, went to the islands twenty-five years ago at our own instance, or rather we got confidential orders at our request to go there and investigate the subject, so we might be thoroughly convinced in our own minds, and so far as practicable convince the Government, of the importance of the matter.

We spent three months on the islands and made a careful survey of Pearl River Harbor and visited the other islands, and obtained the knowledge that that was the only harbor in the islands to be considered in respect to military and naval matters, and we found it to be of exceedingly great value. Its natural adaptability to naval purposes is perhaps not surpassed by any harbor in the world; in regard to its secure anchorage for large fleets, its distance from the sea, beyond the reach of the guns of warships, and the great ease with which the entrance to the harbor could be defended by batteries so as to make it a perfectly

safe refuge for merchant shipping or naval cruisers, or even a fleet which might find it necessary under any circumstances to take refuge there; for coaling grounds, for navy-yard repair shops, storehouses, and everything of that kind.

The most important feature of all is that it economizes the naval force rather than increases it. It is capable of absolute defense by shore batteries; so that a naval fleet, after going there and replenishing its supplies and making what repairs are needed, can go away and leave the harbor perfectly safe under the protection of the Army. Then arises at once the question why this harbor will be of consequence to the United States. It has not been easy to make that perfectly clear to the minds of men who have not made such subjects the study of a lifetime till now; but the conditions of the present war, it seems to me, ought to make it clear to everybody. Let us take——

Mr. CLARK. Would you rather proceed and say all you have to say and then be questioned, or do you prefer that we should put the questions as you proceed?

General SCHOFIELD. I have no objections to questions being asked as I go along.

Mr. CLARK. Does not the very fact——

Mr. NEWLANDS. Do you not think that it would make the remarks of the General more consecutive if he should be allowed to proceed without interruption?

Mr. CLARK. I asked his preference in regard to the matter.

General SCHOFIELD. It is entirely immaterial to me.

Mr. NEWLANDS. My observation is that it has always expedited a hearing of this kind.

General SCHOFIELD. It is entirely as you please. At this moment the Government is fitting out quite a large fleet of steamers at San Francisco to carry large detachments of troops and military supplies of all kinds to the Philippine Islands. Honolulu is almost in the direct route. That fleet, of course, will want very much to recoal at Honolulu, thus saving that amount of freight and tonnage for essential stores to be carried with it. Otherwise they would have to carry coal enough to carry them all the way from San Francisco to Manila and that would occupy a large amount of the carrying capacity of the fleet, and if they recoal at Honolulu all that will be saved. More than that, a fleet is liable at any time to meet with stress of weather, or perhaps a heavy storm, and there might be an accident to the machinery which will make it necessary to put into the nearest port possible for repairs and additional supplies. By the time it reaches there its coal supply may be well-nigh exhausted; it then has to replenish its coal supply to carry it to whatever port it could reach.

If I am not misinformed in regard to the laws of neutrality, the supply of coal that can be taken on board at neutral ports is only sufficient to bring it back to the nearest home port, and not enough to carry it across the ocean, so that if we had to regard Honolulu as a neutral port we could only load up coal enough to bring us back to San Francisco; and if I am misinformed in regard to that point Admiral Walker will correct me. Now, let us suppose, on the other hand, that the Spanish navy in the Pacific as well as in the Atlantic, or both, were a little stronger than ours instead of being somewhat weaker. The first thing they would do would be to go and take possession of the Sandwich Islands and make them the base of naval operations against the Pacific coast.

You have only to consider the state of mind which exists all along the Atlantic coast under the erroneous apprehension that the Spanish fleet might possibly assail our coast to see what would be the case if the Spanish fleet were a good deal stronger than ours and took possession of Honolulu and made it a base of operations in attacking the points on the Pacific coast. We would be absolutely powerless because we would have no fleet there to dispute the possession of the Sandwich Islands, whereas, if we held that place and fortified it so that a foreign navy could not take it, it could not operate against the Pacific coast at all, for it could not bring coal enough across the Pacific Ocean to sustain an attack on the Pacific coast. Then the Sandwich Islands would be a base for naval operations just as Porto Rico is against the Atlantic coast. If Spain is strong enough to hold Porto Rico, so that a squadron can replenish with supplies, coal, ammunition, and provisions there, the whole Spanish fleet can raid our Atlantic coast at will.

It happens that in this war we have picked out the only nation in the world that is a little weaker than ourselves. The Spanish fleet on the Asiatic station was the only one of all the fleets we could have overcome as we did. Of course, that can not again happen, for we will not be able to pick up so weak an enemy next time. We are liable at any time to get into a war with a nation which has a more powerful fleet than ours, and it is of vital importance, therefore, if we can, to hold the point from which they can conduct operations against our Pacific coast. Especially is that true until the Nicaragua Canal is finished, because we can not send a fleet from the Atlantic to the Pacific. We can not send them around Cape Horn and repel an attack there. If we had the canal finished we would be very much better off than now in that respect, but even then we would want the possession of that base very much, without which no power on earth except England can carry on a war against us.

They have Esquimault and other places which would be a base of operations against us if it were possible that there could be a war between us. Still, the islands would be of very great value to them, being on a direct line of communication between Vancouver and their possessions in the southwest, but they do not need it in the sense that other nations do. Germany, France, and any of those nations would jump at the chance to get the Sandwich Islands, while they all recognize our preemption. We got a preemption title to those islands through the volunteer action of our American missionaries who went there and civilized and christianized those people and established a government that has no parallel in the history of the world considering its age, and we made a preemption which nobody in the world thinks of disputing, provided we perfect our title. If we do not perfect it in due time we have lost those islands. Anybody else can come in and undertake to get them.

So it seems to me the time is now ripe when this Government should do that which has been in contemplation from the beginning as a necessary consequence of the first action of our people in going there and settling those islands and establishing a good government and education, and the action of our Government from that time forward on every suitable occasion in claiming the right of American influence over those islands absolutely excluding any foreign power from any interference, and especially as the result of the report from General Alexander and myself that steps ought to be taken in due time to secure this harbor. We found annexation could not be talked of on account of the then

existing government. We thought it wise to advise our Government to take such steps as would secure for us the benefit of the use of that harbor, because that is the thing that is valuable to us; we do not care about the rest. All the rest is merely incidental to the necessity on the part of this Government to possess that harbor and to fortify it for military and naval purposes.

Of course this subject may be extended indefinitely—the value of that harbor as a place of refuge in time of war for merchant ships which might be pursued by cruisers, or a place to replenish the supplies of our own cruisers. They are of infinite value to the United States, or to any country which may oppose them for such purposes, but the great military point is the one I made twenty-five years ago, and I have not ceased to insist upon it at all proper times from that time to this, that to guard our Pacific coast against the possibility of a naval power taking possession of those islands and make them a base of operations against our Pacific coast, the one thing necessary to be done is for the United States to acquire them, improve that harbor, fortify it, and make it perfectly secure and hold it forever.

The CHAIRMAN. To acquire the whole islands?

General SCHOFIELD. To acquire so much as may be necessary for the purpose. That is a political question which I have not thought necessary to dwell upon. I do not see how you can own and command that harbor without having some claim over the islands.

Mr. NEWLANDS. You have spoken thus far of the importance of this harbor; would it be sufficient to have the harbor without the islands themselves?

General SCHOFIELD. That is the point we are just raising. That is a political question which perhaps I ought not to discuss. My own impression is we ought to have the islands for the purpose of holding the harbor; otherwise if these islands were left free and neutral to conduct their own political relations with foreign nations, we would necessarily, sooner or later, come into complications. We must either allow foreign nations to exact from them the damages which such nations are in the habit of exacting from everybody who does not regard their interests and rights—you hear frequently of Great Britain and Germany sending warships to compel people to comply with their demands. We can not guard the islands against that sort of trouble unless they belong to us. If they belong to us, we conduct the foreign relations for the islands and settle any dispute which exists with a foreign nation instead of leaving a weak little republic to do it.

Mr. WILLIAMS. What is the capacity for defense of the harbor already granted to the United States? How far does it extend, how is it situated, and how could it be defended?

General SCHOFIELD. As it exists to-day it has no capacity for defense at all, but its natural adaptability is very great, and it is naturally as perfect as any harbor I know of in the world. It consists of a narrow channel several miles long leading from the ocean into a deep bay, where there is ample anchorage for all naval fleets of the world.

Mr. WILLIAMS. What is our present grant there?

General SCHOFIELD. Just the right to hold and use, and improve and fortify that harbor, as I understand.

Mr. WILLIAMS. In peace or war?

General SCHOFIELD. I believe there is some question about the perpetuity of it, but that is a question—

Mr. WILLIAMS. Leaving the question of perpetuity aside, as long as

the grant exists it is a grant extending to time of war as well to time of peace?

General SCHOFIELD. Undoubtedly, and yet the essential condition of the grant is that it shall be improved in time of peace. When a time of war comes on you could not improve it.

Mr. WILLIAMS. We have the right to hold and fortify and use it in time of war as we choose?

General SCHOFIELD. That is the original grant.

Mr. WILLIAMS. Is there any difficulty, say, in a fleet sailing from San Francisco to relieve the Philippine Islands going in that harbor——

General SCHOFIELD. You can not get in there; you have to cut open a channel before you can get into a safe harbor. The harbor at Honolulu is absolutely worthless as a war harbor.

Mr. WILLIAMS. The reason you can not get in there is on account of the physical trouble in the channel, not a political or sovereignty trouble?

General SCHOFIELD. No.

Mr. WILLIAMS. You speak of the easy defense of the harbor in your main statement. Does that easy defense of the harbor apply with equal force to the defense of all these islands?

General SCHOFIELD. They need no defense. There is no other harbor in all the islands except this one valuable for a naval harbor.

Mr. WILLIAMS. If there is no other harbor in these islands of any value to any naval force, there is no other harbor where they can make a depot against us in time of war; so if we hold the harbor without holding the islands they would have no place that they could use as a basis of supplies and attack us?

The CHAIRMAN. I would like to ask the General if he has finished his general statement?

General SCHOFIELD. Yes, sir; I had gone as far as I intended at that point.

Mr. WILLIAMS. I took it for granted that he had. A single question, and I am through. As you say, if we can hold it and fortify it the foreign powers could not take it, and that applies to the harbor, as I understand.

General SCHOFIELD. Yes.

Mr. WILLIAMS. It does not apply to all the Hawaiian Islands because, as I understand you, we could not fortify them because they have no harbor, and nobody else could use them as a basis of supplies against us. Now, one other thing. You say that if we do not perfect our title in due time others will take those islands. What do you mean by "due time?"

General SCHOFIELD. I think that is a matter that is beyond my political acumen. I should think probably a week, myself.

Mr. WILLIAMS. When we first took that harbor I understood you to say that you were one of the gentlemen who made the negotiations?

General SCHOFIELD. I did not negotiate, but I made an official report—a purely official report.

Mr. WILLIAMS. You thought it was wise to get the harbor because that was about the only thing valuable to us?

General SCHOFIELD. The only thing essential to us.

Mr. WILLIAMS. Are you still of the opinion that the harbor is the only thing essential to us?

General SCHOFIELD. From a military standpoint; the others I did not discuss.

Mr. WILLIAMS. A military or a naval standpoint is the only stand-

point on which we want these islands at all; as far as your evidence goes?

General SCHOFIELD. No; I did not wish to discuss that matter.

Mr. WILLIAMS. What I mean to say is, the only standpoint from which you would justify it is that?

General SCHOFIELD. Yes.

Mr. WILLIAMS. So far as your testimony is concerned that is the only essential thing to us. I will put this hypothetical case. Suppose we own the harbor there and put a naval station there and we should try and defend it against the world. Suppose we had announced to the world that we guaranteed the independence of the Hawaiian Islands and it is our firm determination to maintain it. Would not we be, even from a military and naval standpoint, in just as good a fix as if we owned the islands; that is, purely from a military and naval standpoint, leaving the political question out entirely?

General SCHOFIELD. I am not prepared to answer that question offhand, yet my impression has been always, and is still, we would be much stronger if we owned the islands as part of our territory. We would acquire not only that harbor, but have the resources of the islands, which are very fertile, for military supplies.

Mr. WILLIAMS. From the standpoint of feeding and provisioning our troops it would be better if we owned them?

General SCHOFIELD. Yes—I beg your pardon—if you put in there, in addition to that, the political control of the country surrounding our military station is of vast importance. If we do not annex the islands we can not control the political population of the islands. It may be Japanese.

Mr. WILLIAMS. Now, your answer is predicated, of course, upon the idea that unless we have political control of the surrounding territory we probably could not provision——

General SCHOFIELD. If we were surrounded by hostile people, the people going to war with us might use that, and instead of having American institutions they might substitute Asiatic civilization.

Mr. WILLIAMS. Let us go back a moment. Suppose we owned the harbor and fortified it, with the right of sovereignty over the harbor—that is the supposition I made—and sufficient surrounding land to protect the fortifications of the harbor, which I understand we do have. Now, how could any foreign power land at the main island of Hawaii or any of the Hawaiian Islands and threaten our possession of the harbor? Where would they land?

General SCHOFIELD. They could land troops anywhere at Honolulu Harbor, especially if the population were friendly to them. Suppose the Japanese, for instance, succeeded in getting that for which they are working so hard now, the political possession of the islands and physical possession, because all the emigrants from Japan there are soldiers, in a very few years Japan can get physical and political control of the islands——

Mr. WILLIAMS. But my supposition was, if we had announced to the world our guaranty of the independence of the islands——

General SCHOFIELD. We can not do that——

Mr. WILLIAMS (continuing). And our firm determination to maintain that. If that announcement were made, do you, as a military man, think that the Japanese Empire would undertake to defy that announcement and make an attack upon those islands?

General SCHOFIELD. I do not doubt it for a moment. They would first populate the island with Japanese and get control of the Government. They would have two or three hundred thousand Japanese there

thoroughly loyal to Japan—as much so as Americans are to the United States. What good would our guaranty of independence be against such a population?

Mr. WILLIAMS. You do not understand me. They might have the local government of Japanese people; I grant that.

General SCHOFIELD. Suppose those people there, in accordance with the doctrines of the American Government, were to organize a government and ask admission into the Japanese Empire. Could we resist it?

Mr. WILLIAMS. If we announced for military and naval reasons that we would guarantee the independence of those people, we would resist it to-day.

General SCHOFIELD. Our announcement would be laughed at by the Governments of the world, because we have not done the things necessary to maintain that guaranty.

Mr. WILLIAMS. I am taking it for granted we would guarantee it against the Japanese; I think we would be adequate to the task. Let us take the present position as it is to-day. The Japanese can now, together with other Asiatic races, gain complete control of those islands, can not they? What prevents them from doing so, except the position of the United States?

General SCHOFIELD. That is true, but the numbers are comparatively small.

Mr. WILLIAMS. What will continue to prevent it?

General SCHOFIELD. Because they would send in several hundred thousand increased population. Once in there they will be able to overthrow the Government unless we do what would be equivalent to annexation, send an army to occupy it.

Mr. WILLIAMS. Your position, I take it, is this: The danger we are to look forward to and the danger arising in the islands themselves from the emphasizing of the present character of population, an increase of Japanese population by immigration establishing a local government of Japanese sympathies and race which would be naturally inclined toward the mother country; that is the danger.

General SCHOFIELD. That is one danger.

Mr. WILLIAMS. Not the danger of an attack from a foreign government so much?

General SCHOFIELD. I think that is the greatest visible danger now. I do not think the nations of Europe would probably permit that. They might say to us, or ought to say to us, "If you do not take the Sandwich Islands and hold them let us do it; we will not consent that Japan shall populate that country."

Mr. WILLIAMS. Have we not already announced to the world by the declarations of our Presidents, our Secretaries of State, the letters of our ministers, and in every way that can be done except by joint resolution of Congress, that we would regard it as an act of hostility if any foreign nation should take or hold possession of the Hawaiian Islands?

General SCHOFIELD. Yes, we have done that.

Mr. WILLIAMS. Have we not on two or three separate occasions announced that fact to people about to take possession of them, and have not they all halted?

General SCHOFIELD. Yes.

Mr. WILLIAMS. Why will not they continue to halt as we grow stronger both in population and as a naval and military power?

General SCHOFIELD. We have also announced that Cuba is and of right should be free, yet we have to send an army and navy to enforce it. So it will be with the islands unless we send our Army and Navy against—

Mr. WILLIAMS. You do not understand the question.

General SCHOFIELD. I think I do.

Mr. WILLIAMS. Perhaps I expressed it inaccurately. The point I was making was this. In view of the fact that the declarations of our Presidents hitherto have not only prevented aggression with a view of taking possession of those islands, but when in unguarded moments, as far as we were concerned, an effort had been made, it had the result in turning back these foreign powers when we were a people much weaker in population, in military and naval force than we are now; that, if that is the stand taken by the United States, and its moral weight in the affairs of nations had had that effect in the past when we were weaker in every way, why can not we continue to do that in the future?

Mr. BERRY. I think the gentleman from Mississippi is rather making an argument than asking questions.

General SCHOFIELD. I have no objection personally, although I do not desire to debate the matter, and perhaps it will result in elucidation. But I think, myself, while the moral power of the United States has been heretofore, and will be, very great, the power of its Navy and its fortifications and its Army will be infinitely greater, and I do not believe there is any absolute security to the interests of the United States anywhere in the world except the Army and the Navy; and the moral influence has resulted from the fact——

Mr. WILLIAMS. I agree with you about that.

General SCHOFIELD (continuing). That we have had that potentially although not actually in existence. I think the time has come when we must have that power and take our place among the nations of the earth, and we have got to control the Sandwich Islands, and if we do not——

Mr. WILLIAMS. I agree perfectly about that. Now, coming to our Army and Navy, which after all is the dernier resort of a nation in international affairs, of course, will not we, as a naval power, judging the future by the past, grow stronger day by day?

General SCHOFIELD. I hope so; but still other nations are advancing very rapidly; more so than we are.

Mr. NEWLANDS. You have spoken of the importance of our holding these islands with a view of preventing any other nation from taking them and making them a point of attack upon our Pacific coast. Let me ask you whether there would be any disadvantages to our country arising from the Sandwich Islands being absolutely neutral in any war?

General SCHOFIELD. Oh, unquestionably; we would lose all the privileges we are enjoying now, the right to use them as a hospitable harbor for our own purposes. If they were to become absolutely neutral we would not be at liberty to coal or get supplies there. The advantage to-day of the friendly attitude instead of a neutral attitude existing in the Sandwich Islands is going to be very great to us.

Mr. NEWLANDS. You think simply a neutral attitude in the Sandwich Islands would be disadvantageous to our country?

General SCHOFIELD. Yes, because other nations would enjoy just the same privileges we do.

Mr. CLARK. I understood you to say this Pearl Harbor is the only harbor on the entire coast of the Sandwich Islands that is capable of harboring a large fleet and of being fortified?

General SCHOFIELD. Yes.

Mr. CLARK. Then, if that is true, having Pearl Harbor, if we fortify it, we have got all that is of any material benefit to us for military purposes out there, have we not?

General SCHOFIELD. I think I will have to answer that question by asking another question, if you will permit me.

Mr. CLARK. Yes.

General SCHOFIELD. Do you think it is becoming the dignity of a great nation to take from a little weak republic all it has, and then turn it loose?

Mr. CLARK. I think it is proper for us to take anything we want anywhere on the face of the earth.

General SCHOFIELD. And you think we would be justified in doing so, when we take from a weak people all they have got and leave them a prey to the rest of the world?

Mr. CLARK. No, sir; we simply say to the rest of the world to keep their hands off these islands or——

General SCHOFIELD. I would like to see that put into effect.

Mr. CLARK. Do you think if we say emphatically to the rest of the world that no other nation shall control those islands, that a single one of those nations is going to undertake it at the risk of war?

General SCHOFIELD. Yes, if they wanted it, and lick us quicker than sight; and we might as well look at the fact. If any one of the great naval powers of the world said they wanted that harbor——

Mr. CLARK. What will we be doing?

General SCHOFIELD. We will be whipped out of our boots.

Mr. CLARK. Why?

General SCHOFIELD. Because they have a tremendous navy and can sweep us from the sea.

Mr. CLARK. They have not done it yet.

General SCHOFIELD. Do wars always repeat themselves?

Mr. CLARK. But we are stronger than we used to be.

General SCHOFIELD. Precisely.

Mr. CLARK. I understood you to give as one of the reasons of the urgent necessity why we should have these islands Commodore Dewey's victory in the Philippines?

General SCHOFIELD. Yes, sir.

Mr. CLARK. If Commodore Dewey's victory in the Philippines is one of the pressing necessities for annexing these islands, what would a defeat in the Philippines prove? Do both victories and defeats prove the necessity of acquiring these islands?

General SCHOFIELD. Decidedly so. In war the same condition which gives you the advantages of success also gives you the opportunity of mitigating the evils of defeat. A strong position held by an army is not only a strong position for attack, but a strong position on which to fall back in case of defeat. Suppose Pearl Harbor were protected and fortified and Dewey had failed, or if the Spanish fleet had been too strong for him he might not have assaulted it. He might have been ordered to proceed to Pearl Harbor and take refuge there instead of being defeated himself. As it was, if the fleet had been too strong for him, he would have simply had to go to San Francisco to get into a harbor.

Mr. CLARK. How does it happen that we have got along for a hundred and nine years now without the Sandwich Islands for strategic purposes and all of a sudden they are of vast importance?

General SCHOFIELD. We have gotten into a foreign war.

Mr. CLARK. We have been in foreign wars before?

General SCHOFIELD. Not to amount to anything.

Mr. CLARK. We have been in two foreign wars, with Great Britain and Mexico?

Mr. WILLIAMS. And almost with France.

General SCHOFIELD. We did not need anything of this kind then. The world has advanced a hundred years in that time, and in material improvements it has advanced a thousand.

Mr. CLARK. That is very true.

General SCHOFIELD. We can not fight anybody in the way we fought Great Britain or Mexico. Mexico did not have any navy at all.

Mr. NEWLANDS. Do you think a greater international embarrassment would arise from a protectorate of those islands than an ownership?

General SCHOFIELD. I would not look at a protectorate. I think we should have absolute control of the foreign policy of those islands.

Mr. NEWLANDS. But with reference to international complications or embarrassments, would you regard our strongest position as one of a protectorate or annexation?

General SCHOFIELD. Annexation by all means. I would not listen to a proposition for a protectorate at all, for the reason that you would not be able to control their foreign policy. They will commit acts that will be regarded as objectionable by other nations, and we will have to say to a great naval power which wants to go in and enforce its terms, "No, you shall not do it."

Mr. CLARK. Do you think it is desirable to have two Hawaiian Senators and three Hawaiian electors in the Electoral College?

General SCHOFIELD. No, sir; I do not admit for one moment that the United States must have a representative in the House and Senate from each Territory it has. I do not see why this country can not hold its outlying possessions.

Mr. WILLIAMS. Taking them without representatives?

General SCHOFIELD. Yes. Do you not do that here in the District of Columbia now? Do you not do it in military posts of the United States? Every nation on earth does that.

Mr. ADAMS. You have spoken of the Hawaiian Islands from a military standpoint. Will you give us your views of that country from a commercial standpoint?

General SCHOFIELD. I think other men are better able to enlighten you on that subject.

Mr. ADAMS. You are looking alone to the military side of it?

General SCHOFIELD. Yes, sir; and, if you please, political in its broadest sense in regard to our relations to all the nations of the earth, which can not be separated from the military idea, because the question of war and peace depends upon our political relations with foreign nations.

Mr. NEWLANDS. There is just one further question I would like to ask you. You have dwelt at great length on the advantage which the Sandwich Islands would be to a foreign country at war with us, in attacking us upon the Pacific coast. Will you state what embarrassment would arise to us from a neutral position of the Sandwich Islands in such a war?

General SCHOFIELD. They would simply deprive us of the use of those islands for military or naval purposes, and we could not have a place of refuge, for instance, for our fleet or merchant ships. A neutral port there would be of no advantage to us, and we would have great deprivation if we could not control the commerce of the Pacific Ocean by our cruisers, as I presume we can. We ought to be able in any foreign war to control those islands and control the commerce of the Pacific Ocean provided we have a depot for our cruisers to refit and resupply themselves, etc. In other words, for the purpose of military control of commerce we want very much that depot.

Mr. NEWLANDS. An objection urged to the acquisition of these islands is that it would very largely increase the Navy?

General SCHOFIELD. That is absolutely untrue. It is the reverse of the fact, as it would have the tendency to diminish the Navy in the Pacific because of the control of these islands.

Mr. NEWLANDS. Would the military expense be large in fortifying those islands?

General SCHOFIELD. No, sir; compared with the general expenses of the Army and Navy of the United States.

Mr. NEWLANDS. From an economical point of view, in a war, would you regard the holding of these islands as an advantage?

General SCHOFIELD. Oh, very great; very great. It would cost us very much less to carry on war in the Pacific Ocean if we hold these islands than if we did not have them. The difference would be far greater than any possible cost of holding and fortifying them.

Mr. ADAMS. Has any estimate been made of the probable expense of fortifying Pearl Harbor?

General SCHOFIELD. No. I would rather leave that to the engineers; but it is not very great, a few hundred thousand dollars, perhaps. It is peculiarly easy to fortify. You only have to have fortifications on each side of this comparatively narrow channel.

Mr. NEWLANDS. You say Pearl Harbor is on the same island as Honolulu, and you refer to Honolulu Harbor as being a worthless harbor. Do you mean as a commercial harbor?

General SCHOFIELD. It is excellent as a commercial harbor, and I am informed that recently they have succeeded in deepening the channel, so that the largest ships can get in to the wharves. It is protected by a coral reef extending into the sea, and a ship would be exposed to the guns of any war ship outside.

Mr. NEWLANDS. How far from Pearl Harbor is Honolulu?

General SCHOFIELD. About twelve miles. It is right in sight.

Mr. DINSMORE. Apropos of that suggestion that it would be good from an economical standpoint in case of a war in the Pacific for us to own and control the Hawaiian Islands; if we do own the Hawaiian Islands, in case of war they could not operate against us from there as a base of supplies, but in case we do not own them then they can be made a base of operation against us for supplies. That is the point?

General SCHOFIELD. Any nation which chose to take it could do so.

Mr. DINSMORE. In its use as a base of supplies against us in time of war, do you not think it would require a very great force to make war successful against us on our own coast, that is from Hawaii as a base of supplies?

General SCHOFIELD. It would not require anything like as great a force as a great many nations have.

Mr. DINSMORE. But that is not the question in my mind, what other nations have now; but looking to the point of economy alone, if we owned the Hawaiian Islands and got into a war with any strong European power, do you not think it would take a very strong naval force to protect it?

General SCHOFIELD. No; that is the great value of that. It does not require a naval force to hold it. It is like New York Harbor—rather, it is better than New York Harbor or Boston Harbor, and better in that respect than any harbor on our coast, as it can be protected against any fleet easier and at less expense than any harbor we now have. It is better situated naturally for defense. Military men, strictly speaking, do not believe in modern times it is possible for any navy, however

powerful, to capture by its own unaided force land defenses ordinarily perfected and held. Pearl Harbor can be made as secure against a naval attack as any harbor in the world of which I know, so that our navy in the Pacific Ocean would be absolutely free from any necessity of defending that harbor, and no navy in the world could wage war against the Pacific coast, because there is no other base of supplies for any navy except for the British at Victoria.

Mr. NEWLANDS. Take the case of Victoria, that being so near by land——

General SCHOFIELD. It is not so near as you imagine. It is on an island, but as a stronghold it is not worth while to think about.

Mr. DINSMORE. I have no knowledge of military affairs at all, but I understood you to say a while ago that troops could be landed on the Hawaiian Islands?

General SCHOFIELD. Yes.

Mr. DINSMORE. Suppose they landed troops; if we did not have a strong enough navy establishment they could capture the islands, leaving us with the fortifications.

General SCHOFIELD. I take it for granted we would be wide-awake enough to take some men there.

Mr. DINSMORE. Then it does involve a large increase in the military establishment?

General SCHOFIELD. Not so large; no. Two thousand men, and the increase, you see, is made in a few days for other purposes. We would have to have a regiment of regular artillery there perhaps all the time, and probably four or five thousand volunteer militia, residents of the islands officered by Americans, but composed largely of their people. They would be pretty good, as the Kanakas make good soldiers, and we had a good many in the Army during the civil war. They would be organized into militia according to our system, and in a war with a foreign power we would probably send a few regiments over from San Francisco in anticipation, but it would cost us very little.

Mr. GILLET. Would not Pearl Harbor have to be fortified less if we owned the islands and had control of the population there instead of having it hostile?

General SCHOFIELD. I think that perhaps would not make so much difference in the fortification as in the danger of landing troops.

Mr. GILLET. I should think you would fortify against the landing of troops.

General SCHOFIELD. We would be absolutely powerless against their landing troops unless we sent out a large army, but if we annex the islands and make the population under the American system a part of the reserve militia we will have all those troops to assist us instead of having to send an army from California.

Mr. WILLIAMS. If we were strong enough to hold the islands and prevent a successful attack by any power, would not we be strong enough to defend our Government from the same power?

General SCHOFIELD. I think that does not follow at all. The holding of the islands so that a foreign navy can not get possession of them absolutely paralyzes that navy as against the Pacific coast, so that the problem of war would be reduced to holding the islands instead of defending the whole line of the Pacific coast.

Mr. WILLIAMS. I will put the question in another shape. If we owned those islands our holding them for any great length of time would depend upon our sea power?

General SCHOFIELD. Yes; we can not hold anything without sea power.

Mr. WILLIAMS. It would necessarily come down to the question of sea power after all. If our sea power was sufficient to hold them, then our sea power would be sufficient to protect ourselves from the naval attacks of an enemy?

General SCHOFIELD. I beg your pardon. The difference is this: The holding of the islands—if we have possession and fortify them, our sea power would be reinforced by enormous land power there. In other words, an enemy, in order to get a base from which to attack us at all, either on sea or shore, would have to come to those islands there—they would have to attack the perfected modern fortifications.

Mr. WILLIAMS. Do you presuppose the population of the islands friendly to us or unfriendly?

General SCHOFIELD. I suppose them to be friendly, and that they would therefore assist us in their defense.

Mr. WILLIAMS. That, I say, is predicated largely upon the assumption that they will be friendly?

General SCHOFIELD. Yes; and that is the great value of annexation as compared with neutrality or something worse.

The CHAIRMAN. Now, if there are no other questions, I desire to thank the General on behalf of the committee for having attended before us and giving the information we have received.

General SCHOFIELD. Mr. Chairman and gentlemen of the committee, it has been a great pleasure for me to attend and to assist you in any way I could.

STATEMENT OF ADMIRAL JOHN G. WALKER, UNITED STATES NAVY.

The CHAIRMAN. Admiral Walker, the gentlemen of the committee have requested you to be present that they may have the aid of your views and information as a seaman touching the question involved in the resolution before them providing for the annexation of the Hawaiian Islands, and we will be glad to have you state your views in such manner as may suit you.

Admiral WALKER. Mr. Chairman and gentlemen of the committee, it seems to me that General Schofield has covered the general ground very well, and perhaps it would be better for members of the committee to ask me any questions they please at once. I agree with General Schofield entirely in his general statement of the value of the islands to the United States.

Mr. DINSMORE. Then, if I may be permitted, I would like to ask the Admiral especially to explain to the committee—it may be others understand it—but I would like to have him explain to us the situation there from a military standpoint, and what would have to be done in case we take possession of the islands; what fortifications and what works we would have to construct, and what force he thinks would be sufficient to be placed there.

Admiral WALKER. Pearl Harbor is now a large lagoon, practically surrounded by land. There is a narrow entrance, and outside of this entrance a coral reef extending around the island, making a bar which prevents vessels entering the harbor drawing over 10 or 12 feet of water, I can not say exactly. I was out there in 1894, and I took up the idea that there must be a break in the coral reef somewhere, and, if found, probably an entrance could be easily made. I was led to that belief from the fact that they had deepened the entrance to Honolulu Harbor quite easily. I put a party of officers and men at

work, and they were seven weeks on that bar. They examined the bar very carefully and found exactly what I expected they would find, a fissure in the reef, which was filled with fine coral sand—disintegrated coral. They bored it to determine its width and depth.

We found we could come down without the slightest trouble as deep as we wanted to go; in fine sand, which can be sucked out with a suction dredge with the greatest ease. That entrance through the reef was in its narrowest part about 500 feet, as I recollect. When that is opened, which can be done at small expense, it will leave an entrance varying, say, from 800 or 1,000 feet to 500, every inch of which would be covered by guns placed in fortifications on the beach. It would not be a straight channel, it would be a curved channel, and by means of mines and a few guns on the beach all the navies in the world could be stopped from entering.

Mr. DINSMORE. What distance would these batteries be from Honolulu?

Admiral WALKER. They would be about 7 or 8 miles from Honolulu.

Mr. DINSMORE. And at what distance from the entrance to the harbor would the batteries be?

Admiral WALKER. The batteries would be right at the entrance; they would be on either side of the entrance.

Mr. DINSMORE. I understand now; the entrance to this lagoon?

Admiral WALKER. Yes, sir; it is called Pearl Harbor and it is called Pearl River and it is called Pearl Lagoon. It is practically a lagoon open to the sea.

Mr. NEWLANDS. How large is that lagoon inside the coral reef?

Admiral WALKER. It is very large, and cut up by points and islands so that it is very smooth water, as smooth as the water of the Potomac here, and it is entirely secure as an anchorage. There is plenty of depth of water.

Mr. WILLIAMS. How deep is it?

Admiral WALKER. You could always get six, seven, or eight fathoms of water; all the water a ship wants.

The CHAIRMAN. Will you state the comparative value of the Sandwich Islands as a point compared to any other islands which lie in the Pacific Ocean near to or far from our Pacific coast?

Admiral WALKER. I consider the Sandwich Islands worth far more than all the others put together. The Sandwich Islands, if occupied by an enemy with a fleet, would be a thorn in our side.

The CHAIRMAN. It is the isolation of the Sandwich Islands from any near neighbor which contributes to its importance?

Admiral WALKER. That contributes to its importance, of course. There is no other in the North Pacific that would be of use. When I speak of the North Pacific, I speak of the American side. There is nothing of any use except the Sandwich Islands.

Mr. COUSINS. How much would it cost to make the Sandwich Islands impregnable to a fleet such as composes a first-class power now?

Admiral WALKER. It is not at all probable that any power would send a very heavy fleet out there, as it is a long way from Europe.

Mr. COUSINS. It is presumed that would be their business to send one there. How much would it cost to fortify this harbor?

Admiral WALKER. That is a question I can not answer. It would not be very heavy to fortify Pearl Harbor so it could not be taken at all, and the only other secure landing place would be at Honolulu, which is from 7 to 10 miles away, and it is perfectly easy to fortify that sufficiently to prevent anybody from landing there.

Mr. BERRY. It would cost less than to build a battle ship now?

Admiral WALKER. Yes.

Mr. PEARSON. I suppose half a million to deepen it and half a million more to build fortifications?

Admiral WALKER. I can not speak as an engineer as to the fortifications. I should think a half million would put up all the fortifications we would want there.

Mr. NEWLANDS. Suppose in this war the Spanish Government had a navy equal to or perhaps superior to ours and should take possession of the Hawaiian Islands and menace us from that point by offensive warfare against the Pacific coast. How would they make that warfare effective as against our commerce on that coast, and what precautions would we have to adopt to meet it?

Admiral WALKER. Without the Sandwich Islands they could not operate successfully against our coast at all, because the question of neutrality would cut them off from both the British dominions north of us and Mexico south of us; but with the Sandwich Islands in their possession they could establish a depot of coal and supplies there, and ships would pass backward and forward as they pleased.

Mr. NEWLANDS. Would it prove very destructive to our commercial marine in that case?

Admiral WALKER. If they had force enough. If they were superior to us in force, why they would wipe out the merchant marine from the Pacific coast entirely.

Mr. NEWLANDS. What precautions would we have to adopt in order to meet that?

Admiral WALKER. We would need a very much larger navy than we would otherwise need on that coast.

Mr. NEWLANDS. We would need a navy to protect our coast; that would be required along the entire line of our coast, as well as Alaska?

Admiral WALKER. Yes; we would need a greater number of fortifications; we would need fortified places that perhaps would not be fortified otherwise.

Mr. CLARK. That presumes that we had nothing to send in there?

Admiral WALKER. It merely presumes that they are superior to us in naval power on the Pacific coast.

Mr. CLARK. It turns out they were not.

Mr. NEWLANDS. But I am putting a supposed case that their navy was equal or perhaps superior to ours, and I want to ask what precautions we would have to take in order to meet an offensive warfare waged upon that coast. Now, for instance, we have these vessels leaving Alaska just about this time with gold for San Francisco.

Admiral WALKER. They would have to be convoyed in force sufficient to secure safety.

Mr. NEWLANDS. By United States vessels?

Admiral WALKER. By vessels of war.

Mr. NEWLANDS. And you say additional fortifications would be required on the Pacific coast?

Admiral WALKER. Otherwise the Spaniards could land where they pleased out of the range of fortifications. The coast of California is a long coast, and it could be raided like any other coast.

Mr. NEWLANDS. So we would have to increase not only the military expense, but the naval expense, in order to protect that coast?

Admiral WALKER. Yes.

Mr. NEWLANDS. You say they could not operate far——

Admiral WALKER. Not unless they had a base.

Mr. BERRY. Are there any winds and tides in the Pacific Ocean that make the Hawaiian Islands an important point for vessels going north

and south? Why was it that the early whaling vessels all stopped at Honolulu before going north to the Bering Sea? Was it because of any peculiar action of the tides or winds?

Admiral WALKER. It is because of the location of the islands. They are conveniently located, and they are always in good weather.

Mr. BERRY. Suppose a man was going from San Francisco to Shanghai, would he necessarily touch at the Hawaiian Islands?

Admiral WALKER. Not necessarily. He might go far north, up this way [referring to map].

Mr. BERRY. I supposed it was simply because they did not wish to carry coal enough to cross to the Japanese coast and not touch on the Hawaiian Islands; to get the advantage of the space and fill up at the Hawaiian Islands rather than to make the whole trip without touching anywhere.

Admiral WALKER. Steamers run both ways, and in crossing to Shanghai large steamers, which carry an abundance of coal, go farther north than the islands. They sweep up toward the Aleutian Islands because of the shape of the earth, which makes it a shorter distance across.

Mr. BERRY. Transportation coming from the Atlantic side, passing through an Isthmian canal, if the canal were built, would go by way of the Hawaiian Islands in going to Shanghai?

Admiral WALKER. In that case the Hawaiian Islands would become a coaling station undoubtedly.

Mr. NEWLANDS. Is there any island on the Atlantic Ocean so important on the Atlantic coast as those islands are on the Pacific coast?

Admiral WALKER. No; I do not think so.

Mr. CLARK. Why, all of these islands down off the coast of Florida are as important in the Atlantic as the Sandwich Islands are in the Pacific?

Admiral WALKER. He speaks of one island. If we did not get one, we might get another. The Sandwich Islands are the only islands in the North Pacific of any value to us.

Mr. CLARK. We never will be safe, absolutely, in our shell in that direction until we get all of these islands—the West Indies and the rest of them. Any one of those islands in possession of a strong foreign power is a constant menace to us.

Admiral WALKER. Yes; but we shall always be much stronger and much more able to take care of ourselves on this side than we shall be on the Pacific side.

Mr. WILLIAMS. Do you mean in the Atlantic, Mr. Clark?

Mr. CLARK. Yes.

Mr. WILLIAMS. To become perfectly safe on both sides we ought to take all the islands wherever they exist?

Admiral WALKER. I do not know that that is necessary at all.

Mr. BERRY. Will an ordinary war vessel run now from the Philippine Islands to San Francisco and back again without coaling?

Admiral WALKER. No; they should take on coal somewhere. The ships, which it is said are to leave San Francisco with troops and supplies for the Philippine Islands, will have to stop at Honolulu—that is, they all will stop there.

Mr. BERRY. Suppose a foreign vessel should start for the Philippine Islands, could they carry enough coal to take them there and back again, say from the American side?

Admiral WALKER. No; she could not carry coal enough to go across and back again.

Mr. ADAMS. In your judgment it would cost less and take fewer

troops to protect the Pacific coast with the possession of the Hawaiian Islands than without them?

Admiral WALKER. Yes.

Mr. ADAMS. Because, to my mind, that is the great economic point of the whole question.

Admiral WALKER. I suppose we could take the Hawaiian Islands and fortify them for less money than it would take to build one battle ship.

Mr. COUSINS. Suppose you have the Hawaiian Islands thoroughly fortified so they are impregnable so far as any fleet is concerned owned by any other power, and the inhabitants thereof should become suddenly dissatisfied with the government that then existed and they should take charge of these fortifications, how would you get them?

Admiral WALKER. I take it for granted that we should have garrisons in those fortifications—a small garrison—and, knowing the people of the Hawaiian Islands as well as I do, I have not the slightest idea they would ever become dissatisfied to any such extent as that.

Mr. COUSINS. Are you pretty well acquainted with the inhabitants of Hawaii?

Admiral WALKER. I have been out there at different periods. I was out there forty-five years ago and I was out there four years ago.

Mr. NEWLANDS. You do not think the people of those islands would regard this as an oppressive Government?

Admiral WALKER. No.

Mr. COUSINS. Provided they have representation?

Admiral WALKER. That is a matter I know very little of, but as far as I know they do not care whether they have representation or not.

Mr. GILLETT. What form of government do they want?

Admiral WALKER. I think they would be willing to be governed by the United States. I do not think they go into details very much.

Mr. WILLIAMS. I understood you to say in your opinion we would require a less navy for the defense of the Pacific coast or on the Pacific seas if we owned Hawaii than if we did not. If we owned Hawaii, would not we bring ourselves nearer the point of attack instead of removing ourselves farther from one?

Admiral WALKER. I do not think so.

Mr. WILLIAMS. Is not Hawaii nearer the possessions of other strong powers than San Francisco is?

Admiral WALKER. It is nearer Australia, which is an English possession, than San Francisco is, and it is nearer to parts of Asia.

Mr. WILLIAMS. Is it not nearer to islands out there than San Francisco—

Admiral WALKER. But it is not in a position where it would be considered as being nearer a point of attack.

Mr. WILLIAMS. Give us some information about these islands [referring to map].

Admiral WALKER. It is nearer to Australia than Australia is to San Francisco.

Mr. WILLIAMS. It is nearer to Japan, too, which we imagine we are fearing now.

Admiral WALKER. Yes.

Mr. WILLIAMS. It is nearer to the islands of the South Sea, which are all in the possession of strong naval powers, which brings our coast line out 2,100 miles beyond San Francisco into the Pacific.

Admiral WALKER. About that.

Mr. WILLIAMS. It brings us therefore that much closer to a possible enemy?

Mr. PEARSON. Will you pardon me if I should say to you that your fist is nearer to the enemy than your face?

Mr. WILLIAMS. Yes; but the Hawaiian Islands are not your fist. The idea of taking possession of the Hawaiian Islands is to use them as a means of defense, not as a means of offense.

Admiral WALKER. The idea is to take possession of that point of vantage instead of giving it to an enemy.

Mr. WILLIAMS. After that point of vantage is taken possession of it has to be defended. How many islands are there there?

Admiral WALKER. There are eight principal islands.

Mr. WILLIAMS. I understand that the transportation line around them is about 800 miles. That is my information from the Coast and Geodetic Survey.

Admiral WALKER. Perhaps that.

Mr. WILLIAMS. And we would have to defend that line?

Admiral WALKER. Not at all.

Mr. WILLIAMS. Would you just let it go?

Admiral WALKER. There is nothing to defend but the island of Oahu, upon which Honolulu and Pearl harbor are.

Mr. WILLIAMS. If we had a harbor at Pearl Harbor, which we already have, fortified with a garrison, which we may have if we choose, why could not we defend it equally well without taking possession of this line of 800 miles and all those islands? Those islands are of no use for defense?

Admiral WALKER. It is a good deal like having a fort and having other people own land right up to the ditch. You want to control the land about you a little.

Mr. WILLIAMS. Suppose we own the island of Oahu by itself. Could that island feed and provision American navies and American garrisons during a long war, if we have an inferior naval power and the power attacking us cut off communication with the Pacific coast?

Admiral WALKER. It is to be supposed that if we were going into a war we would have a large depot of supplies there. We could send supplies there. However, that island could take care of a good many people, as it is a very fertile island.

Mr. WILLIAMS. That is just what I meant. So we would be dependent upon a depot of supplies, and we would get that depot of supplies from San Francisco?

Admiral WALKER. Undoubtedly.

Mr. WILLIAMS. Now, if we did not have sea control, if we did not have sea power sufficient to defend the place—in other words, would not that island fall of absolute necessity from starvation, if nothing else?

Admiral WALKER. Not as long as blockade runners existed. It is very easy to run provisions into a place like that in spite of a blockade. Of course a good many blockade runners would be captured, but a good many get in.

Mr. WILLIAMS. I do not want to differ with you about a naval affair, but my observation as a boy was that it was found very difficult to run things into the blockaded ports down South.

Admiral WALKER. There were a great many who got in there.

Mr. WILLIAMS. Quinine went up to about \$20 in gold, and a great many other things went up likewise.

Admiral WALKER. You can not absolutely shut up a coast with a blockade. You can make the blockade very dangerous, but you can not shut it up absolutely.

Mr. WILLIAMS. But you may make it dangerous, and hence you have got to bring in——

General SCHOFIELD. The production of that one island is enormous. You can get food there for a large army on Oahu alone.

Mr. WILLIAMS. What do they raise?

General SCHOFIELD. Everything; rice particularly.

Mr. BERRY. Bananas?

General SCHOFIELD. All the fruits, and grains also; and they have recently adopted a system of artesian irrigation.

Mr. WILLIAMS. Do you think we could adopt a system of feeding an army on rice and bananas?

General SCHOFIELD. They can raise potatoes enough to feed a hundred thousand men on that island.

Mr. WILLIAMS. But they do not raise wheat and breadstuffs, nor meat?

Admiral WALKER. The fact is, we should probably never need a very large force.

Mr. WILLIAMS. If we had possession of the Hawaiian Islands, could not we be threatened from Marshall Island or Gilbert Island?

Admiral WALKER. With nothing worse than bows and arrows.

Mr. WILLIAMS. Which one of the islands does Great Britain own down there?

Admiral WALKER. Australia and New Zealand. And she is interested at the Fiji Islands; that is simply a trade interest; they have no force there.

Mr. WILLIAMS. Which one has she a coaling station at down there?

Admiral WALKER. I do not think she has a coaling station at any of those islands until you get to New Zealand and Australia.

Mr. WILLIAMS. I thought she had at the Fiji Islands.

Mr. BERRY. She has at the Samoan Islands.

Admiral WALKER. They have a right to a coaling station, but——

Mr. CLARK. Do you know how much territory Great Britain owns at Gibraltar?

Admiral WALKER. I do not know how much she owns, but she owns the entire rock of Gibraltar, and the rock of Gibraltar is very large. It is a high rock and drops down at the north end almost perpendicular to a sandy beach.

Mr. CLARK. How far back does she own?

Admiral WALKER. She owns back on this sandy beach not a very great distance. Then there is a belt of what is called neutral ground, and the Spanish limits are perhaps six or seven miles from the rock.

Mr. CLARK. About as far away as Honolulu is from Pearl Harbor?

Admiral WALKER. Yes.

Mr. DINSMORE. Is there anything in the Caroline Islands making it a suitable base for supplies?

Admiral WALKER. There is nothing at any of these islands in the South Pacific here. The only place where there is anything like a military establishment is at Tahiti, belonging to the French.

Mr. NEWLANDS. And when you say "any of these islands" you refer——

Admiral WALKER. I refer to all these small islands here [illustrating on map].

Mr. NEWLANDS. You refer to Marquesas, the Society Islands, the Samoan Islands, the Fiji Islands, Gilbert Islands, Marshall Island—is that the fact?

Admiral WALKER. Yes.

Mr. WILLIAMS. Are you certain that Great Britain has no coaling station at the Fiji Islands?

Admiral WALKER. I do not think she has any coaling station there at all. If she has, it is a very small matter.

Mr. WILLIAMS. There is a military station at the Society Islands?

Admiral WALKER. The French have a small military station at Tahiti.

Mr. NEWLANDS. Do you regard these islands as being of strategic value?

Admiral WALKER. Not to us.

Mr. NEWLANDS. To foreign powers?

Admiral WALKER. Very little to them.

The CHAIRMAN. Admiral Walker, we are very much obliged to you for appearing before the committee and giving us the information you have. If the questions of the committee are completed we will proceed to the execution of the order of the committee, if you are ready for it.

Thereupon the committee proceeded to other business.

EXTRACTS FROM THE REPORT OF THE COMMITTEE ON FOREIGN RELATIONS OF THE SENATE, MARCH 16, 1898, ON THE ANNEXATION OF HAWAII.

“A statement of facts of more recent occurrence and of the answers to points of objection to annexation is appended to this report, which after careful examination the committee finds to be entirely correct” (p. 17).

REASONS IN FAVOR OF THE ANNEXATION OF HAWAII.

FIRST REASON IN FAVOR OF THE ANNEXATION OF HAWAII.

It will prevent the establishment of an alien and possibly hostile stronghold in a position commanding the Pacific coast and the commerce of the North Pacific, and definitely and finally secure to the United States the strategical control of the North Pacific, thereby protecting its Pacific coast and commerce from attack.

The question is frequently asked, how the possession of Hawaii, 2,000 miles distant from the continent, will secure control of the North Pacific; and why Hawaii is any more necessary to the Pacific coast than are the Azores, which are about the same distance off the Atlantic coast, necessary to the protection of the United States on the Atlantic side?

The reasons why Hawaii is essential to the protection of the Pacific coast, and why the Azores are not necessary to the protection of the Atlantic, are as follows:

The distance across the Atlantic is approximately 3,000 miles.

The distance across the Pacific is from 7,000 to 9,500 miles.

Second: All of the great powers of Europe lie, or have coaling stations, within steaming distance of the Atlantic coast of the United States. On the other hand, no nation, European or Asiatic, lies, or possesses a coaling station, near enough to the Pacific coast to be practically available as a base of hostile naval operation against that coast or its commerce.

British Columbia is not a material factor in this connection; for in case of hostilities between England and the United States all Canadian

territory would be so speedily overwhelmed by invasion from the United States that its ports would not cut any material figure as hostile bases of operation for any considerable length of time.

Third: On the Atlantic there are scores of islands which can be used as bases of naval supply and repair; the Azores, Madeira, Canary, Cape Verde, Bermuda, Newfoundland, and the Bahamas, and the vast number of West India Islands.

On the other hand, in the Pacific Ocean, from the Equator to Alaska, from the coast of China and Japan to the American continent, there is but one spot where a ton of coal, a pound of bread, or a gallon of water can be obtained by a passing vessel, and that spot is Hawaii.

The distance from Hongkong, through Hawaii to Panama, is 9,580 miles; as far as from San Francisco eastward across the continent, across the Atlantic, across the Mediterranean, and across Turkey to the boundary of Persia.

The distance between Unalaska and Tahiti, the nearest ports north and south of Hawaii, is 4,400 miles—as far as from the southern point of Greenland to the mouth of the Amazon River.

The Atlantic is, comparatively, so narrow, that way stations are not absolutely essential; while the islands in the Atlantic north of the Equator, capable of use as way stations, are so numerous that it is practically impossible for the United States to absorb them all.

On the other hand, the width and size of the North Pacific is so great that no naval vessel in existence can carry coal enough to cross the Pacific from any of the existing or possible foreign naval stations to the Pacific coast of the United States, operate there and return without recoaling. No American or Japanese battle ship, now built or building, can even cross from Japan to San Francisco without recoaling. A modern battle ship without coal is like a caged lion—magnificent, but harmless.

One of the first principles in naval warfare is that an operating fleet must have a base of supply and repair.

Any country in possession of Hawaii would possess such a base within four or five days' steaming distance of any part of the Pacific coast, and be a standing menace against not only the Pacific coast, but against all of the ocean-bound commerce to and from that coast and all American commerce on or across the North Pacific.

By simply keeping other nations out of Hawaii the United States will thereby secure almost absolute immunity from naval attack on its Pacific coast for the simple reason that their bases are too far away to be made available. For example:

The distance from San Francisco to the nearest naval station of England is 4,600 miles; France, 3,600; Spain, 4,700; Russia, 4,700; Japan, 4,500, and China, 5,500 miles.

The importance of Hawaii to the commerce of the Pacific is demonstrated by the fact that of the seven trans-Pacific steamship lines plying between the North American continent and Japan, China, and Australia, all but one make Honolulu a way station.

It is for the reasons above set forth that Hawaii is called "The Key of the Pacific," and that American statesmen, regardless of party, have consistently and persistently maintained the policy that the United States could not allow any foreign government or people to colonize or control Hawaii. (See appendix of opinions of American statesmen concerning Hawaii.)

Upon the opening of the Nicaragua or Panama Canal, practically all of the shipping bound for Asia, making use thereof, will stop at Honolulu for coal and supplies.

SECOND REASON IN FAVOR OF ANNEXATION.

The conditions are such that the United States must act NOW to preserve the results of its past policy, and to prevent the dominancy in Hawaii of a foreign people.

For over fifty years, beginning with President Tyler in 1842, Presidents, Secretaries of State, American ministers to Hawaii, and successive Congresses have continuously enunciated the principle that no other foreign nation can be allowed to possess, control, or dominate Hawaii.

Until recently the simple announcement by the United States of its policy, combined with the control given by the reciprocity treaty, has been sufficient to make it effective. The time has come when these are insufficient to effectuate the policy or retain the advantages already secured.

The native race has decreased until there are now only thirty-odd thousand of them remaining, constituting less than a third of the population of the country, and the decrease is continuing. The day when the aboriginal Hawaiian alone should own and control Hawaii has gone and gone forever. *It is no longer a question of whether Hawaii shall be controlled by the native Hawaiian or by some foreign people; but the question is, What foreign people shall control Hawaii?*

Through the medium of the reciprocity treaty American dominancy in Hawaii has been maintained, and American interests have increased to such an extent that Americans now own, approximately, three-fourths of all the property in the country; consume 98 per cent of their exports; furnish 75 per cent of their imports, and carry 75 per cent of their foreign trade in American bottoms.

It is said by some, Why is not this enough? Why not let well enough alone? There are two answers.

THE TREATY MAY BE TERMINATED.

First. The treaty is terminable by either party upon a year's notice. The uncertainties of politics may at any time bring into power in Hawaii a party inimical to American interests, who can at once terminate all special privileges and powers now held in Hawaii by the United States and transfer them to rival nations. Such action would be entirely legal; and that other nations stand ready to avail themselves of the opportunity is evidenced by the fact that three years ago the English and Canadian Governments sent special agents to Honolulu to obtain the cession or lease of one of the Hawaiian Islands as a cable station. The proposition is still being urged, and all that has stood in the way of its consummation has been the reciprocity treaty and the determination of Hawaii to keep its territory intact and its face turned Americawards until the annexation question is settled.

THE AWAKENING OF JAPAN.

Second. Whether the reciprocity treaty is continued or not conditions have developed within the past few years which will as certainly

evict American interests and control from Hawaii as though it were accomplished by abrogation of the treaty or by hostile guns.

The awakening of Japan has introduced a new element into the politics of the Pacific. Until recently Japan prohibited immigration. This policy has now been reversed, and emigration, particularly to Hawaii, is encouraged. So rapidly have the Japanese come to Hawaii that in 1896 the adult Japanese males outnumbered those of any other nationality.

During the latter part of 1896 and the early part of 1897 they came in at the rate of 2,000 a month. If this rate of immigration had continued for a year they would have numbered one-half of the population, and before the end of five years would have outnumbered all of the other inhabitants put together two to one. Considering the relative populations of Hawaii and the United States, it was as though a million Japanese a month were entering San Francisco. It has been well said that "this was not immigration but invasion."

Hawaii has attempted to stay this invasion by legislation against contract laborers and paupers identical with that of the United States, and has thereby become involved in its present controversy with Japan, the latter country refusing to recognize the validity of such legislation and practically claiming the absolute right of emigration by her people to Hawaii.

Even though the Hawaiian legislation referred to is sustained, immigrants who do not come within its terms will soon give an overwhelming Japanese majority of the inhabitants of the country.

Under the existing constitution of Hawaii the Japanese are not citizens and are ineligible to citizenship; but an energetic, ambitious, war-like, and progressive people like the Japanese can not indefinitely be prevented from participating in the government of a country in which they become dominant in numbers and the ownership of property.

Already they are restless under the restrictions imposed upon them, and with their growing wealth, commerce, and numbers it will be impossible for any local independent government to long withhold political privileges from them.

Even though political privileges may for some time be withheld from them, their commercial men are active and progressive and are rapidly establishing themselves in Hawaii.

Experience has shown that in Hawaii, as elsewhere, blood is thicker than water.

The American merchant buys all that he can in the United States, and what he can not get there he buys elsewhere. The Japanese merchant buys all that he can in Japan and gets elsewhere what can not be advantageously obtained from his own country. Much of the advantage heretofore obtained by the United States in Hawaii has been by reason of the strong American commercial representation in the islands. The new Japanese commercial element is in a position to compete and does destructively compete with the American merchants in Hawaii in an ever-accelerating degree.

HAWAII DRIFTING JAPANWARDS.

I make no charge that the Japanese Government has hostile intentions against Hawaii. But, regardless of the declarations or intentions of the Japanese Government, the fact is that Hawaii has, against the will and efforts of its Government and people, drifted Japanwards during the past two years; and unless radical action is taken to stay the process there can be but one logical result, viz, the ultimate supremacy of the Japanese, and *thereby* of Japan, in Hawaii. This has pro-

gressed and will be accomplished in the teeth of the American policy of exclusion of foreign control in Hawaii, and with no tangible overt act on the part of the Japanese Government.

It may be claimed that Europeans and Americans can hold their own in competition with the Japanese. The reply to this is that experience has demonstrated that there can be no competition between Europeans and Americans on one side and Japanese or Chinese on the other. The only possible result is the absolute substitution of the Asiatic in the place of the white man, by reason of the fact that the Eastern standard of civilization and living is so much lower than the Western that the Asiatic can exist and prosper on a margin of profit which means starvation and destitution to a man who attempts to feed, clothe, and educate a family in accordance with the American standard.

THE ISSUE IN HAWAII.

The issue in Hawaii is not between monarchy and the Republic. That issue has been settled. There are some persons who do not recognize this fact. There are never lacking those who set their faces backward; who mourn every lost cause and vainly hope for the restoration of abuse and forfeited power.

The present Hawaiian-Japanese controversy is the preliminary skirmish in the great coming struggle between the civilization and the awakening forces of the East and the civilization of the West.

The issue is whether, in that inevitable struggle, Asia or America shall have the vantage ground of the control of the naval "Key of the Pacific," the commercial "Cross-roads of the Pacific."

All that has held, and that is now holding, Hawaii for the United States is a handful of resolute and determined men who, against heavy odds, are doing all that is within the bounds of possibility to prevent Hawaii from retrograding into an Asiatic outpost and to hold the country to that destiny which American statesmen have for fifty years, regardless of party, outlined for it. But there is a limit to their strength, and if help from the great Republic is to come in time it must come soon. Annexation will maintain American control in Hawaii and nothing else will.

A protectorate is suggested by some.

The alternative of "annexation or protectorate" has successively been presented to Presidents Pierce, Harrison, and McKinley, and Secretaries of State Marcy, Foster, and Sherman, in 1854, 1893, and 1897, and has each time been decided in favor of annexation; for the reason that a protectorate imposes upon the United States responsibility without power to control, while annexation imposes practically no more responsibility, but is accompanied with the full-power powers of ownership.

Annexation can be consummated now with little or no friction. Events are moving rapidly in the Pacific, and no one can predict what the developments and changes of even a year may bring forth.

THIRD REASON IN FAVOR OF THE ANNEXATION OF HAWAII.

It will increase many fold and secure to the United States the commerce of the islands.

Only those who have been brought directly into contact with the commercial relations between Hawaii and the United States realize its volume or importance.

Prior to the negotiation of the Hawaiian reciprocity treaty in 1876, the commerce of the islands was inconsiderable, and was in a languishing condition. Population, exports, imports, and shipping—all were steadily decreasing, as the following figures show:

Table showing condition of the Hawaiian trade for six years prior to reciprocity treaty.

Year.	Imports.	Domestic exports.	Customs receipts.	Merchant vessels entered.	Whaling vessels entered.
1869	\$2, 040, 000	\$1, 743, 000	\$215, 000	127	102
1870	1, 930, 000	1, 514, 000	223, 000	159	118
1871	1, 625, 000	1, 733, 000	221, 000	171	47
1872	1, 746, 000	1, 402, 000	218, 000	146	47
1873	1, 437, 000	1, 725, 000	198, 000	109	63
1874	1, 210, 827	1, 622, 000	183, 000	120	43

From the day the reciprocity treaty went into operation the island trade in all its branches increased rapidly, and to-day Hawaii is the best customer which the Pacific coast has—the largest consumer of United States products of any single country bordering on the Pacific.

The following table shows the change wrought since the treaty:

Table showing improved condition of Hawaiian trade for the last five years, the result of the reciprocity treaty.

Year.	Imports.	Domestic exports.	Customs receipts.	Merchant vessels entered.
1892	\$4, 684, 000	\$8, 081, 000	\$494, 000	262
1893	5, 346, 000	10, 742, 000	545, 000	315
1894	5, 713, 000	9, 591, 000	524, 000	350
1895	5, 714, 000	8, 358, 000	547, 000	318
1896	7, 164, 000	15, 515, 000	656, 000	386

STATEMENT SHOWING IMPORTANCE OF HAWAIIAN TRADE TO PACIFIC COAST.

While the United States as a whole is benefited by Hawaiian trade, the Pacific coast finds it one of the most profitable in which it engages.

The figures for the full year 1896 showing the trade of the Pacific coast are not yet available. The following figures are from the published statement of San Francisco's commerce for the year ending November 30, 1896:

Table showing comparative importance of San Francisco exports to Hawaii, and to some other countries, for the year ending November 30, 1896.

Australia	\$3, 932, 000
Hawaii	3, 588, 000
All of Central America	3, 440, 000
China	2, 989, 000
Japan	2, 270, 000
Mexico	1, 469, 000
All Europe except Great Britain	1, 446, 000
All of Asia and Oceania, except China and Japan	1, 298, 000
New Zealand, Samoa, Marquesas, Cook, Fiji, Friendly, Marshall, Caroline and all other Polynesian islands combined	684, 000
British Columbia	431, 000
All of South America	294, 000

STATEMENT SHOWING COMPARATIVE IMPORTANCE OF SAN FRANCISCO EXPORTS OF PRINCIPAL ARTICLES TO HAWAII AND SOME OTHER COUNTRIES.

WINE.

Hawaii is San Francisco's *second* best foreign wine customer. Central America is the only country which took more of San Francisco's wine than Hawaii, and all that prevents Hawaii from standing first on the list is that all the Central American Republics are grouped and treated as one country in the statistics.

SALMON.

Hawaii is San Francisco's *third* best purchaser of salmon. The only countries that bought more than Hawaii were Australia and England. Hawaii bought more salmon from San Francisco in 1896 than all the rest of the countries of the world added together, leaving out England, Australia, and New Zealand.

BARLEY.

Hawaii was the *third* largest consumer of barley exported by San Francisco, having taken barley to the amount of \$139,000.

The only countries which took more barley than Hawaii were England and Belgium.

St. Vincent is credited with more, but that is only a port of call at which to receive orders as to where to deliver the grain.

FLOUR.

In the consumption of flour Hawaii stood *sixth*, flour having been exported there to the amount of \$164,000.

England took flour to the amount of only.....	\$333, 000
Or barely twice the consumption of Hawaii.	
The export to Japan was.....	123, 000
To all of South America.....	96, 000
To Mexico.....	31, 000
To all of Africa, Polynesia, Oceanica, and Asia (excepting Japan, China, and Siberia) the export of flour amounted to only.....	114, 569

The above statistics do not include the large shipments being made to Hawaii, direct from Washington and Oregon, by the three lines of steamers and many sailing vessels running from there to Honolulu.

TABLE SHOWING VALUES OF PRINCIPAL ARTICLES IMPORTED BY HAWAII DURING 1896.

Hawaiian imports amounted during 1896 to \$7,164,561, of which \$5,464,208, being 76 per cent, came from the United States.

The infinite variety of the exports to Hawaii indicates the widespread participation which the residents of the United States have in the business. There is not an industry in the United States which is not benefited by Hawaiian trade, and which would not be injured by abrogation of the treaty, or diversion of Hawaii's trade elsewhere.

The following statement shows the value of some of the principal articles imported by Hawaii during 1896:

Ale, beer, cider, and porter.....	\$74, 820. 65
Animals.....	51, 633. 37
Building materials.....	120, 638. 78
Clothing, boots, and hats.....	292, 558. 82
Coal and coke.....	135, 646. 85
Crockery, glassware, lamps, and lamp fixtures.....	47, 552. 58
Drugs, surgical instruments, and dental material.....	68, 192. 06

Dry goods:

Cottons.....	\$311,891.21
Linens.....	12,633.94
Silks.....	20,953.16
Woolens.....	69,368.27
Mixtures.....	10,932.59
Fancy goods, millinery, etc.....	101,285.80
Fertilizer, bone meal, etc.....	332,238.71
Fish (dry and salt).....	80,564.21
Flour.....	156,999.29
Fruits, fresh.....	14,154.97
Furniture.....	91,637.73
Grain and feed.....	273,752.71
Groceries and provisions.....	520,884.69
Guns and materials.....	16,046.42
Gunpowder, blasting, etc.....	7,526.68
Hardware, agricultural implements, and tools.....	278,267.03
Iron, steel, etc.....	38,940.70
Jewelry, plate, clocks.....	25,341.89
Leather.....	41,549.28
Lumber.....	255,241.64
Machinery.....	343,104.69
Matches.....	15,587.32
Musical instruments, etc.....	21,456.82
Naval stores.....	47,922.34
Oil—cocoanut, kerosene, whale, etc.....	107,418.94
Paints, paint oils, and turpentine.....	53,410.86
Perfumery and toilet articles.....	17,149.48
Railroad material, rails, cars, etc.....	32,977.22
Saddlery, carriages, and material.....	95,007.74
Shooks, bags, and containers.....	199,096.78
Spirits.....	65,947.20
Stationery and books.....	92,614.67
Tea.....	30,860.26
Tin, tinware, and materials.....	10,925.67
Tobacco, cigars, etc.....	194,835.82
Wines, light.....	161,360.54
Sundry personal and household effects.....	24,765.12
Sundry merchandise, not included in above.....	227,897.01

TABLE SHOWING HOW MANY AND HOW MUCH OF CERTAIN ARTICLES
WERE IMPORTED BY HAWAII DURING 1896.

An enumeration of the numbers and amounts of articles imported will convey a better idea to some, of the importance of the Hawaiian trade to the farmers and manufacturers of the United States.

The following items, taken at random from the Hawaiian table of imports for 1896, indicate the wide range of their business.

This list can be indefinitely extended, but it is sufficient to show that no narrow interest is subserved by the Hawaiian trade:

Bulls and cows.....	33	Yards drilling.....	79,000
Horses.....	246	Yards dress goods.....	94,000
Hogs and pigs.....	1,583	Yards duck.....	90,000
Mules.....	555	Yards flannelette.....	48,000
Blinds.....	2,223	Yards gingham.....	179,000
Bricks.....	110,872	Cotton handkerchiefs.....	84,000
Doors.....	5,016	Yards muslin.....	24,000
Barrels lime.....	22,281	Yards cotton prints.....	1,657,000
Tons of coal.....	65,000	Yards sheeting.....	521,000
Bottles and vials.....	140,000	Yards shirting.....	103,000
Lamps.....	7,400	Silk handkerchiefs.....	49,000
Lanterns.....	7,500	Pairs woolen blankets.....	12,000
Pounds of acids.....	52,000	Yards embroidery.....	20,000
Pounds Epsom salts.....	11,000	Needles.....	569,000
Pounds soda ash.....	134,000	Pieces of ribbon.....	20,000
Yards brown cotton.....	271,000	Pounds codfish.....	304,000
Yards denim.....	488,000	Barrels salt salmon.....	4,000

Pounds (and 550 barrels and cases of other kinds) of salt fish	644, 000	Pounds (and 8,000 kegs and boxes) nails	36, 000
Barrels and boxes of fresh apples, grapes, peaches, pears, and other fruits	11, 500	Nuts and bolts	343, 000
Chairs	11, 000	Picks and mattocks	4, 300
Rolls wall paper	39, 000	Feet iron pipe	400, 000
Sets parlor and chamber furniture	575	Razors	2, 000
Tables	970	Pounds beans	1, 100, 000
Pounds of barley	18, 635, 000	Pots and kettles	18, 500
Pounds of bran	12, 500, 000	Plows	330
Pounds of corn	555, 000	Refrigerators	260
Pounds of middlings	2, 155, 000	Pounds iron and copper rivets	30, 000
Bales of hay	65, 000	Saws	4, 000
Pounds of oats	3, 548, 000	Pairs scissors and shears	15, 000
Pounds of meal cake	85, 700	Shovels and spades	4, 500
Pounds of wheat	876, 500	Stoves	2, 900
Pounds dried apples and apricots	23, 000	Feet wire cloth	100, 000
Pounds bacon	63, 000	Paint and other brushes	26, 000
Pounds hard bread	264, 000	Clocks	3, 500
Pounds butter	120, 000	Watches	3, 100
Pounds butterine	45, 000	Feet northwest pine lumber	19, 197, 000
Pounds candles	51, 000	Laths	800, 000
Pounds cheese	107, 000	Fence posts	64, 000
Pounds (and 16,000 tins) of cakes and crackers	197, 000	Feet redwood lumber	4, 100, 000
Pounds hams	225, 000	Railroad ties	42, 600
Pounds lard	322, 000	Feet belting	21, 000
Pounds onions	477, 000	Boiler tubes	1, 500
Tins canned oysters	38, 000	Pounds packing	246, 000
Pounds split peas	53, 000	Sewing machines	937
Pounds potatoes	632, 000	Typewriting machines	58
Pounds prunes	21, 000	Guitars	600
Tins canned meats	145, 000	Pianos and organs	79
Pounds salt	477, 000	Yards canvas	24, 000
Pounds and 10,000 cases of soap	193, 000	Pounds ship chains	52, 000
Pounds refined sugar	637, 000	Pounds rope	220, 000
Gallons vinegar	49, 000	Pounds (and 38,000 feet) wire rope	130, 000
Gun caps	2, 932, 000	Cases kerosene	64, 000
Window sashes	6, 709	Gallons lubricating oil	110, 000
Prs. boots, shoes, and slippers	189, 000	Barrels tar	620
Cravats and ties	18, 960	Gallons linseed oil	31, 000
Boys' felt and wool hats	27, 600	Pounds (and 9,000 gallons) paint and varnish	493, 000
Ladies' hats	6, 300	Bicycles	363
Straw hats	38, 000	Carriages	132
Undershirts	55, 600	Sets harness	300
Pairs socks and stockings	194, 600	Horse combs	1, 200
Cartridges	350, 000	Saddles	1, 560
Pounds rope	22, 500	Sugar bags	4, 000, 000
Pairs butts and hinges	31, 000	Paper bags	1, 500, 000
Pounds fence wire	321, 000	Printed books	11, 000
Files and rasps	40, 500	Blank books	4, 200
Galvanized buckets	20, 000	Packs playing cards	41, 600
Kegs horseshoes	1, 600	Envelopes	2, 321, 000
Feet rubber hose	51, 000	Lead pencils	96, 000
Hoes	26, 800	Cigars	1, 427, 000
Butcher and pocketknives	23, 800	Cigarettes	5, 827, 000
		Pounds tobacco	320, 000
		Cases (and 136,000 gallons) California wine	869
		Pounds fertilizer	28, 800, 000

COMMERCE WILL BE GREATLY INCREASED UNDER ANNEXATION.

The astonishing commercial results shown above have resulted from affording to Hawaii a free market for, practically, only three of her products, viz, sugar, rice, and bananas.

Under annexation, the country would have a free market for all its products, and, with the exception of the three products aboved named, the resources of the country are practically untouched.

With a population of only 109,000, Hawaii in 1896 had a foreign

trade of over \$208 per capita for every man, woman, and child in the country—a record almost unparalleled in the history of the world.

Less than a hundred years ago Hawaii supported a population of four hundred thousand souls with the crude methods of cultivation then known.

Artificial irrigation in its most advanced methods is now practiced in Hawaii, bringing thousands of acres into cultivation that have heretofore been waste.

There is no reason why Hawaii cannot support a population of a million as easily as it does a hundred thousand.

Islands of less area and no greater resources than Hawaii, in both the East and West Indies, are supporting populations of several millions.

An increase of the population of Hawaii to even a million will place its commerce in the front rank of American export trade.

Under existing conditions, the Hawaiian general tariff of 10 per cent has allowed about 25 per cent of Hawaiian imports to come from countries other than the United States, and if annexation does not take place an increasing proportion of Hawaiian imports will come from other countries.

If Hawaii becomes American territory, the American protective tariff of approximately 50 per cent will give to Americans practically all of its present foreign trade, and an immensely larger trade which will spring into existence as the islands develop under the stimulating influences of a stable government, fertile soil, and a free market.

FOURTH REASON IN FAVOR OF THE ANNEXATION OF HAWAII.

It will greatly increase and secure to the United States the shipping business of the islands.

To those who refer to the Hawaiian Islands as “dots in the Pacific,” this may appear to be an absurd reason.

It is absurd to those only who do not know the facts.

Hawaii is to-day the main stay of the American merchant marine engaged in deep-sea foreign trade.

Table showing number of American vessels entering American ports from foreign countries other than the American continent during the year ending June 30, 1896.

[Compiled from United States Treasury records.]

Countries cleared from.	Number of vessels.	
Austria.....	None.	All of Europe, 30 ships.
Belgium.....	16	
Denmark.....	None.	
France.....	2	
Gibraltar.....	2	
Germany.....	None.	
Italy.....	5	
Netherlands.....	None.	
Portugal.....	None.	
Russia.....	None.	
Spain.....	5	
Sweden and Norway.....	None.	
China.....	14	All of Asia, 98 ships.
Hong Kong.....	30	
Japan.....	29	
East Indies.....	23	
Russia.....	2	
Australia, Tasmania, New Zealand, Fiji, and Norfolk Islands.....	30	All of Australasia, 30 ships.
All other Pacific islands (except Hawaii).....	30	
All of Africa.....	22	
United Kingdom.....	88	
Hawaiian Islands.....	191	

To summarize further, the number of American vessels entering American ports during the year ending June 30, 1896, were:

From the United Kingdom	88
From Europe, Asia, Africa, Australia, and Oceanica combined.....	210
From Hawaii	191

Or, in other words, Hawaii furnished cargo for 191 American ships, and all the world besides, outside of the American continent, furnished cargo for only 298 American ships.

Hawaii is the banner country for promoting American shipping and spreading the American flag to the breeze, and it is submitted that she should be allowed to carry on and extend the good work.

It may be said, "We have the shipping trade already. What more will annexation give us?" The reply is that the supremacy of American shipping in Hawaii arises directly and solely from the commercial supremacy of the United States in Hawaii, which in turn is the direct outcome of the reciprocity treaty. As stated above, that treaty can be abrogated at any time, and certainly will be abrogated if a party inimical to American interests should gain control in Hawaii, a contingency not only possible but probable, if annexation does not take place, as is pointed out under the "Second reason in favor of annexation."

UNDER ANNEXATION AMERICAN SHIPPING WILL BE GREATLY INCREASED.

After annexation all exports and imports to and from the United States will have to be carried in American vessels; for, being American territory, the coasting-trade laws will apply, and freight and passengers can be carried between Hawaii and other parts of the United States in American vessels only.

As the American tariff will bar out almost all imports from foreign countries, practically the whole freighting business of Hawaii will be with the United States, and will be transacted by American vessels. With the unquestionably rapid and large increase of Hawaiian population and commerce under annexation, it is entirely within bounds to say that within ten years after annexation is completed the number of American vessels required to do Hawaiian freighting will be double that now engaged therein. That is to say, 247 American ships being required to carry Hawaiian freight in 1896, approximately five hundred will be required in 1906, if annexation is consummated, or more than all the deep-sea American ships which entered American ports during 1896 from all the world outside of the American continent.

FIFTH REASON IN FAVOR OF THE ANNEXATION OF HAWAII.

It will remove Hawaii from international politics and tend to promote peace in the Pacific by eliminating an otherwise certain source of international friction.

It is the habit of those who oppose the annexation of Hawaii to ridicule the possibility of any foreign government taking any action in or towards Hawaii inimical to the interests of the United States.

One of the best methods of judging the future is to examine the past.

Within the past eighty-five years Hawaii has been taken possession of once by Russia, once by England, twice by France.

And by reason of hostile demonstrations by foreign governments, creating the fear of foreign conquest, an absolute cession of the sovereignty of the country to the United States was executed and delivered in 1851, and a treaty of annexation negotiated in 1854.

Since 1874 on four separate occasions internal disturbances have required the landing of foreign troops from war ships for the protection of the interests of the several nations there represented.

The existing conditions in the world are not such as to guarantee that the millennium is near at hand, and more particularly are the developments in the Pacific such as to render it unsafe for any country possessing interests therein to act upon the supposition that there will be no conflict of interests in that locality.

Russia has heretofore been a European country, with but a nominal interest in the Pacific. Within the past five years it has developed Pacificwards, until it fills the northwestern horizon, and with the now rapidly progressing development of its vast empire on the Pacific coast of Siberia, the construction of its transcontinental railway from St. Petersburg to the Pacific, and the foreshadowed absorption of northern China, there can be no prediction of the limit of its interests and strength in the Pacific.

The meteor-like projection of Japan into the international sky is too recent and vivid to need any enumeration of detail. In the short space of a year Japan has become not only a Pacific, but a world power.

With its rapidly increasing population, already numbering nearly fifty million; its navy now stronger than any other in the Pacific; its demonstrated power of organization and military execution; its progressive commercial and aggressive national spirit, there is no safety in basing any calculations upon the meekness or weakness of Japan.

There is a great Anglo-Saxon community growing up in the Pacific, including Australia, New Zealand, and hundreds of islands within their sphere of influence, whose interests are so great as to radically affect and frequently control British policy. This great community, inhabiting a country larger than the United States, excluding Alaska, is in the springtide of its development. Its leading statesmen have repeatedly and publicly advanced the claim that the control of the Pacific was theirs by right. To-day their influence and strength is not sufficient to be a serious menace to other interests in the Pacific. What their power may be fifty or a hundred years from now no man can tell. The statesmen of the United States should look not to the conditions of to-day only, but should stake out and secure to the United States the position and policy which that country may require for a hundred years to come.

The population of Hawaii is, and for years to come will be, constituted of many divers nationalities and factions.

For the immediate present the Government is under the control of those favorable to the United States. There is no certainty that this condition of affairs will continue. As long as Hawaii is independent other nationalities will naturally and legitimately seek to advance their interests at the expense of those of the United States.

It is not necessary that any foreign government should attempt to do this, as a government.

The present difficulty with Japan is an illustration of how international troubles may arise through conflict of interests of the different nationalities resident in Hawaii, without direct initiative of a foreign government and from entirely unexpected sources. To-day the friction is with Japan. To-morrow it may be with Europe, England, or China.

The population of the country is so small that individual influence is much greater than in a larger country, and it is much easier for a nationality or a faction to get control of the Government.

As long as the country is independent, with its growing wealth and importance, there is, and will be, a growing tendency to international

friction among its inhabitants, which will inevitably draw into controversy the respective Governments.

When annexation was proposed in 1893 no government objected. To-day, by reason of the increase of the interests of Japanese subjects in the islands, Japan interposes a vigorous objection. It may not be considered a serious obstacle to annexation; but it is an illustration of the rapidity with which changes are taking place in the Pacific, and of the possibility and probability of rapid developments inimical to American control, which must be expected in the Pacific within the early future.

Hawaii independent, but without the power to maintain its independence, is a standing invitation to international intrigue and friction, and a menace to the peace of the Pacific.

As a part of the territory of the United States, Hawaii will be eliminated from international politics as much so as is Florida or California.

There is no certainty that the United States will go to war; but there is no certainty that it will *not*. In case of war the possession of Hawaii would be of the greatest value, and its occupation by a hostile force would be the means of occasioning incalculable injury to the Pacific coast and commerce. Is it prudent to postpone taking out an insurance policy until the loss has occurred? Is not the annexation of Hawaii a proper measure of national insurance against possible danger?

A BRIEF DESCRIPTION OF THE REPUBLIC OF HAWAII, ITS PEOPLE, GOVERNMENT, LAWS, COMMERCE, FINANCES, EDUCATIONAL SYSTEM, AND RESOURCES.

LOCATION.

The Hawaiian Islands are near the middle of the North Pacific Ocean, between 18° and 22° north latitude and 154° and 160° west longitude.

The map on the back cover of this pamphlet shows their position better than any description.

Without disputing Boston's claim to be the hub of the universe, Hawaii is the hub of the Western Hemisphere.

STRATEGICAL POSITION.

Hawaii is the only spot in the Pacific, from the equator on the south to Alaska on the north, and between America on the east and Asia on the west, where water, food, or coal can be obtained. It is also on or near the principal trade routes across the Pacific. Its unique position is what has given it the name of "*The Cross Roads of the Pacific*," "*The Key of the Pacific*," and "*The Gibraltar of the Pacific*."

CAPTAIN MAHAN'S OPINION.

Captain Mahan, of the U. S. Navy, one of the highest authorities on naval strategy, says that Hawaii is one of the most important strategical points in the world; that it stands "alone, having no rival and admitting no rival."

The distances to the principal Pacific ports are as follows:

	Miles.
Hawaii to San Francisco	2,080
Hawaii to Nicaragua Canal	4,210
Hawaii to Tahiti	2,389
Hawaii to Pagopago, Samoa	2,263
Hawaii to Auckland, New Zealand	3,850

	Miles.
Hawaii to Fiji	2, 736
Hawaii to Marshall Islands	2, 098
Hawaii to Caroline Islands	2, 602
Hawaii to Hongkong	4, 917
Hawaii to Yokohama, Japan	3, 399
Hawaii to Unalaska, Aleutian Islands	2, 016
Hawaii to Sitka	2, 395
Hawaii to Vancouver	2, 305

(See the map on the cover of this pamphlet.)

NUMBER AND AREA OF ISLANDS.

The group contains eight inhabited islands and a large number of small uninhabited ones, of a total approximate area of 7,000 square miles, or 4,480,000 acres, being nearly the area of Massachusetts, and considerably larger than Connecticut and Rhode Island combined. The group extends east and west a distance of 1,200 miles. The eight principal islands cover 300 miles at the eastern end of the group. They are Ha-wai-i, Mau-i, O-a-hu, Kau-ai, Mo-lo-kai, La-nai, Ka-hoo-la-we, and Ni-i-hau. There are valuable guano and phosphate rock deposits on some of the western islands.

HO-NO-LU-LU.

Situated on the island of O-a-hu is the principal city and the capital of the Republic.

It is located on a small but safe harbor, and has a population of 30,000.

The business portion is well built of stone and brick; the residences are of wood.

The city has 67 miles of streets and drives, of which 20 miles are macadamized; has a street railway system; public and private electric-light systems; a telephone system extending throughout the island and using 1,300 telephones; a well-regulated State prison; handsome executive buildings, custom-house and court-house; an insane asylum, public hospitals, maternity home, old folks' home; public library, a well-equipped Y. M. C. A. building, banks, churches, public and private schools, public waterworks, both a reservoir and pumping plant, a paid fire department equipped with the most modern steam and chemical engines; has a G. A. R. post, branches of the societies of "Sons" and "Daughters" of the American Revolution, and numerous Masonic, Odd Fellows, and other similar lodges. In other words, it has the appliances and conveniences of an up-to-date American city, with the added charm of a profuse tropical vegetation and a climate unrivalled the world over for mildness and evenness.

The city lies on a level strip of land along the sea, a mile or two wide and five miles long, and extending back for several miles into five valleys, which cut deep into thickly wooded, cloud-capped mountains rising to an elevation of nearly 4,000 feet at a distance of six miles from the sea.

GENERAL PHYSICAL CHARACTERISTICS OF THE COUNTRY.

The islands are all high and mountainous, rising to a height of 4,000 feet on Oahu, to 10,000 on Maui, and 14,000 feet and perpetual snow on the island of Hawaii. The whole country is volcanic in origin, there being hundreds of extinct and two active volcanoes.

Each island consists of one or more mountains seamed with valleys and gorges, with rolling plains lying between the mountains, and generally fringed with a comparatively level belt along the sea shore.

Some portions of the coast are protected by reefs of coral, while others are sheer precipices rising out of blue water to a height of thousands of feet.

THE SOIL, consisting of decomposed lava, is fertile, but has to be irrigated in many places, the water coming from mountain streams, artesian and surface wells. Some of the largest steam pumps in the world are used, raising water to an elevation of 400 feet.

Fertilizers are used in large quantities, thousands of tons per annum being used on the sugar plantations.

THE CLIMATE is mild and even, being of an average weekly maximum of 74 in winter and 82 in summer. There are no extremes of heat or cold. The lowest temperature at sea level in winter is about 56°, and the hottest in the summer about 88°. A temperature of 90° in the shade is almost unknown. At higher elevations above the sea almost any desired temperature can be found. On two mountains there is perpetual snow.

The cool northeast trade winds blow for nine months of the year. Except when the south winds blow, the humidity of the air is low.

The country at all elevations, and throughout the year, is healthy; the death rate among whites being exceptionally small. None of the fevers and other typical diseases of tropical countries are found there, and the diseases of the temperate zone are usually of a mild character.

The climate is so balmy and natural conditions so delightful that, by common acceptance, Hawaii is known as "The Paradise of the Pacific." Although spoken of as a "tropical country," it is barely on the edge of the Tropics, and the same arctic current that cools San Francisco gives Hawaii a climate many degrees cooler than in the same latitude in the Atlantic. It is a climate well suited to the physical and mental development of the Anglo-Saxon.

PRODUCTS.—The principal products are sugar, rice, coffee, bananas, pineapples, guavas, and other tropical fruits, many of which grow wild.

SUGAR.—The area cultivated with sugar cane is approximately 80,000 acres. The export of sugar in 1896 amounted to 221,000 tons. The output of sugar can not be much increased, as most of the sugar lands are already occupied.

COFFEE.—The cultivation of coffee is rapidly increasing. It will soon rival sugar in amount and value, as there are large areas of rich but yet uncultivated land, not available for sugar but peculiarly adapted to coffee. This product is the hope of the country, as it can be produced profitably by farmers with small capital.

BANANAS AND PINEAPPLES.—The principal supply of these fruits consumed on the Pacific coast is from Hawaii. It is a growing trade.

THE RAINFALL varies greatly, ranging from fifty inches in some districts to 175 inches in others. Irrigation supplements the rainfall in the drier section. Two-thirds of the sugar is produced by irrigation.

EDUCATION.—There is a highly organized system of free public schools, modeled on that of the United States, in which the English language is taught. There are also a number of private boarding schools, and schools ranking with high schools in the United States.

The public school year is eight months, and all children between six and fourteen years of age are compelled, if physically able, to attend school.

All the Hawaiian born population of all nationalities can read and

write English. The number of schools in 1896 was 187; number of teachers, 426; number of scholars, 12,616.

The schools are under the control of an unpaid board of five persons, appointed by the President.

The constitution prohibits the appropriation of public funds for sectarian or private schools.

REVENUE AND EXPENDITURES.

The financial status of the Republic is strong. The country is self supporting, solvent, and prosperous.

Financial status January 1, 1897.

RECEIPTS.

The current cash on hand January 1, 1896, was.....	\$22, 496. 30
The current revenue for 1896 was:	
From customs.....	656, 895. 82
From post-office.....	77, 488. 94
From internal revenue.....	1, 240, 937. 12
Total current revenue for 1896.....	1, 997, 818. 18

EXPENDITURES.

The current expenditures for 1896 were:	
General expenses.....	\$1, 651, 631. 33
Interest on all loans.....	236, 459. 59
Matured bonds paid.....	16, 100. 00
Total current expense for 1896.....	1, 904, 190. 92
Cash on hand December 31, 1896.....	93, 627. 26
	1, 997, 818. 18

This shows that after paying all running expenses, interest on all loans, and redeeming \$16,100 worth of bonds falling due, the treasury closed the year with a cash surplus over \$71,000 greater than at the beginning.

TAXATION.

Revenue is raised by duties on imports, averaging 10 per cent ad valorem (except a few specific duties), and by internal taxes. The internal revenue is derived from rents of public lands, wharfage, and water rates in Honolulu; a system of licenses for different kinds of business; a stamp duty on conveyances and legal documents; a tax of one per cent on all real and personal property, and a poll tax on male adults.

PUBLIC DEBT.

The bonded debt consists of—	
7 per cent bonds.....	\$1, 500. 00
6 per cent bonds.....	3, 073, 600. 00
5 per cent bonds.....	255, 100. 00
	3, 330, 200. 00
Deposits in postal savings bank.....	882, 345. 29
Total gross debt.....	\$4, 212, 545. 29
Less bond proceeds, cash in treasury.....	221, 565. 90
And postal bank deposits.....	111, 371. 04
	332, 936. 94
Total net debt, January 1, 1897.....	3, 879, 608. 35

With the exception of \$220,000 five per cent bonds, which are redeemable in 1901, all of the debt can be taken up at any time.

Measures to refund the debt at four per cent which were being taken are being delayed, pending action on the annexation treaty, as the United States can, of course, refund at a still lower rate.

With the exception of \$1,000,000 held in London, practically all of the bonds are held in Hawaii.

PUBLIC LANDS.

The area of the public lands is 1,740,000 acres, of an estimated value in 1894 of \$4,389,550. The income from the rents of public lands during 1896 was \$137,773, an amount which can be largely increased.

A considerable portion of the public land is mountainous and waste, and much that is arable is under leases.

The policy of the government is to renew leases of only such portions of arable land as are in actual cultivation, cutting up all available farming lands into small farms and disposing of it on easy terms to actual settlers. It is mainly through this means that the coffee industry has become established.

A complete and extremely liberal land law has been enacted by the Republic, and is in operation under a board of land commissioners.

The lands are being surveyed and roads constructed to them as rapidly as practicable.

Public lands suitable for coffee and fruit culture can be bought by actual settlers at from \$7 to \$20 an acre, on easy terms.

Land of similar quality can be purchased unconditionally from private parties at from \$25 to \$50 per acre.

POPULATION.

The census of 1896 shows the population to be 109,020.

In round numbers the different nationalities are represented as follows:

Native Hawaiians	31,000
Japanese	24,400
Portuguese	15,100
Chinese	21,600
Part Hawaiian and part foreign blood	8,400
Americans	3,000
British	2,200
German	1,400
Norwegian and French	479
All other nationalities	1,055

Expressed in percentage, the population is as follows:

	Per cent.
Native Hawaiian	28
Japanese	22
Chinese	20
Americans, and Europeans by birth or descent	22
Mixed blood	8

FORM OF GOVERNMENT.

The Government of Hawaii was a monarchy until January, 1893, when Queen Liliuokalani attempted to abrogate the constitution and promulgate one increasing her power and disfranchising the whites.

The people thereupon overthrew the monarchy and established a Provisional Government, January the 17th, 1893.

Later a constitutional convention unanimously adopted a constitution declaring the Republic of Hawaii on July 4, 1894.

THE EXECUTIVE consists of a President and four cabinet officers.

The President is Sanford Ballard Dole; fifty years of age; Hawaiian born, of American parentage; a graduate of Williams College; a lawyer by profession. He was a judge of the supreme court under the monarchy, which position he resigned to accept the leadership of the revolution which overturned the monarchy. He is respected and admired by all classes and factions in the community.

THE ELECTORATE consists of all male adult citizens who take an oath of renunciation of the monarchy and allegiance to the Republic.

Asiatics are not eligible to citizenship or to vote.

The required qualifications of a voter for representatives is ability to read and write Hawaiian or English, and the payment of all taxes due; and for senators, in addition thereto, an income of \$600 per annum, or the ownership of real estate worth \$1,500, or personal property worth \$3,000.

THE LEGISLATURE consists of a Senate elected for six years, and a House of Representatives elected for two years, each consisting of fifteen members.

THE LEGISLATIVE PROCEDURE is practically the same as in the United States. Each measure, in order to become law, has to pass three readings before each house and be signed by the President.

The committee system is the same as in American legislative bodies.

The President has the power of veto, which may be overridden by a two-thirds vote of each house.

CHARACTER OF LAWS.—The foundation of the legal system of the country is the common law of England.

The penal law and practice is codified, and there are no penal offenses except those enumerated in the code.

The civil law, practice and procedure, is partially codified, and is, in general, as much like that of the several American States as the law of one State is like that of another.

The text-books and law reports of England and the United States are cited as authority in the courts in the same manner that they are in this country.

The members of the supreme and circuit court bars are nearly all Americans, or were educated in American law schools. The attorneys in the district courts are mostly native Hawaiians, educated in Honolulu.

THE COURTS.

The main judicial system consists of district and circuit courts and a supreme court.

DISTRICT COURTS.—There are about thirty district courts. They have jurisdiction over civil matters involving not more than \$300, and over misdemeanors. They also commit, for trial by jury, persons accused of felony, exercising the functions of an American grand jury. The grand jury system has not been adopted.

An appeal lies from the district to the circuit or supreme court.

CIRCUIT COURTS.—There are four circuit courts, with appellate jurisdiction over appeals from the district courts and original jurisdiction over all civil suits involving more than \$300; over persons committed for trial for felonies; in all equity, admiralty, and probate cases, and over special proceedings such as habeas corpus, etc. Each circuit court is presided over by one judge. All jury trials are held in the circuit courts.

JURIES.—The same class of cases are tried by jury as in the United States. Juries consist of twelve men, but nine can render a verdict in both civil and criminal cases. Jury can be waived in both civil and criminal cases, except capital cases.

THE SUPREME COURT consists of three judges, with exclusive jurisdiction to decide certain special proceedings and the validity of elections to the legislature; concurrent jurisdiction with the circuit judges concerning habeas corpus and certain other special proceedings; and appellate jurisdiction over exceptions and appeals from district or circuit courts. Cases are tried promptly, and the courts are ably and honestly conducted.

The judges are appointed by the President—district judges for two years, circuit judges for four years, and supreme court judges for life.

TWENTY OBJECTIONS TO THE ANNEXATION OF HAWAII, AND REPLIES THERETO.

FIRST OBJECTION.

It is unconstitutional, because the General Government is limited in its powers to those expressly conferred upon it by the Constitution.

The Constitution does not specifically grant power to annex territory, and therefore the power does not exist.

This objection is based upon what is known as the "strict construction theory." It was believed in by Jefferson, but was abandoned by him when he annexed Louisiana in 1803. Contemporary thought condemns the strict construction theory, as applied to annexation, and the Constitution has since then been repeatedly interpreted in favor of annexation by the Executive, Congress, and the Supreme Court of the United States.

Interpretations of the Constitution by the Executive in favor of the power of annexation.

The instances in which the Executive has interpreted the Constitution in favor of annexation are eleven in number, viz: By the negotiation of treaties for the annexation of Louisiana in 1803; Florida in 1819; California, New Mexico, and Arizona in 1849; the so-called Gadsden purchase of the southern portion of New Mexico and Arizona in 1853, and Alaska in 1867, all of which were ratified by the Senate. Treaties were also negotiated by the Executive for the annexation of Texas in 1837 and 1843, Hawaii in 1854, San Domingo in 1870, Hawaii in 1893, and Hawaii again in 1897, which treaty is now pending before the Senate.

Interpretations of the Constitution by Congress in favor of the power of annexation.

Instances of Congressional action in favor of the power of annexation are:

1. The annexation of Texas in 1844, by joint resolution passed by a majority of the two Houses of Congress.

2. A statute passed Aug. 18, 1856, by which any American citizen was authorized to take possession of any island on which guano was located, and, with the approval of the United States Government, upon taking certain preliminary action, to make the same United States territory.

3. By the ratification of the annexation of Midway Island, in the North Pacific, which had been accomplished by the Executive in 1867, by the appropriation of funds with which to convert the same into a naval station.

The legislation referred to above, concerning the annexation of guano

islands, is especially pertinent at the present time, when the Hawaiian Islands are under discussion, for the reason that we find that as long ago as 1856, Congress not only approved of insular annexation, but that, under that legislation, seventy islands and groups of islands were actually annexed to the United States, fifty-seven of them being in the Pacific Ocean and thirteen in the Carribean Sea. The first annexation under this statute was in 1856 and the last in 1884.

It may be claimed that the motive for annexing these islands was simply to obtain the guano located thereon. Such undoubtedly was the motive; but the motive for annexing territory has no bearing upon the constitutionality thereof. The passage of the statute is a positive declaration by Congress that the annexation of territory, and insular territory at that, is constitutional, and that so slight a value accruing to the United States as the obtaining of a limited amount of fertilizing material is a sufficient reason for the exercise of the power of annexation.

The Executive and Congressional action concerning Midway Island is of especial interest, in that Midway Island is at the western extremity of the same group of islands of which Hawaii is the easternmost; and also from the fact that the motive for the annexation of Midway was to secure a naval station in the North Pacific, which is one of the main reasons now urged for annexing Hawaii.

The query presents itself, why, if it was proper to annex the western end of the Hawaiian group in 1867, it is not now proper to annex the eastern end of the same group? Midway Island is 1,200 miles west of Honolulu. Congress appropriated and there was spent the sum of \$50,000 in trying to make it into a naval station; a United States man-of-war was wrecked and three lives lost in the attempt, which was finally abandoned. The only reason that Midway was not developed into a full-fledged naval station was that it was found that the expense was far greater than originally supposed. It nevertheless remains United States territory, and a monument constructed by the Executive and Congress in favor of the constitutionality and propriety of insular annexation.

Interpretations of the Constitution by the Supreme Court of the United States, in favor of the power of annexation.

The instances of interpretation by the Supreme Court of the United States of the constitutionality of annexation are four in number, viz, one in 1828, two in 1850, and one in 1889.

The first was in the case of the American Insurance Company vs. Canter, to be found in 1 Peters, 542. The opinion was delivered by Chief Justice Marshall, in the course of which the following words were used:

“The Constitution confers absolutely on the Government of the Union the power of making wars and of making treaties. Consequently that Government possesses the power of acquiring territory, either by conquest or treaty.”

The two decisions rendered in 1850 were by Chief Justice Taney. The decision in 1889 is the case of the Mormon Church vs. the United States, contained in 136 United States Reports, page 42. In the course of the decision, the court used the following words:

“The power to acquire territory is derived from the treaty-making power, and the power to declare and carry on war.”

“The incidents of these powers are those of national sovereignty and belong to all independent governments.”

The foregoing decisions base their conclusions some upon one point, some upon another; but they all agree that the constitutional power to annex territory exists absolutely; and the last decision is based upon the broad ground that "the power to make acquisitions of territory is an incident of national sovereignty."

It is submitted that the foregoing acts and decisions of the Executive, Congress, and the United States Supreme Court, covering a period of nearly a hundred years, are decisive in favor of the constitutional power of the United States Government to annex territory.

SECOND OBJECTION.

It is unconstitutional because Hawaii is not contiguous to the United States.

The opponents of the constitutionality of annexation, finding the precedents and reasoning strongly against them, have fallen back from the position that annexation is directly prohibited by the Constitution, to the claim that there are certain "implied prohibitions" in the Constitution which are as binding as those which appear on its face, and that among these "implied prohibitions," is the one above stated.

The only reason presented why the annexation of noncontiguous territory is unconstitutional is that the "people of the day" did not discuss nor contemplate the annexation of such territory.

We have seen by the authoritative decision of the Supreme Court in 1889 that the power to acquire territory is an incident of national sovereignty; that is to say, the United States has the right to acquire territory, or any other property, because it is a nation. It has the same rights and powers in this respect that any other nation has—that, for example, England has. There is manifestly no limitation upon the power of England to acquire territory. How, then, can there be any limitation upon the power of the United States to do so?

The fact that territory is contiguous or noncontiguous is to be considered in reference to the policy or expediency of annexation, but it is submitted that both on principle and precedent there is all the constitutional power necessary to accomplish annexation in any case where annexation is deemed to the interest of this country.

The fact that territory is contiguous or noncontiguous can have no bearing upon the constitutionality of its acquisition; but simply goes to affect the *value* of the territory proposed to be annexed. On general principles, if it is contiguous, it is more easily governed and defended. But whether this is so or not depends upon circumstances. In these days distance is not a matter of miles, but of hours. When California was annexed it was two months distant from the center of civilization in the United States. Honolulu to-day lies only ten and a half days from Washington.

As to the arguments presented in favor of the unconstitutionality of the annexation of noncontiguous territory, it is submitted that because our forefathers of 1776 did not discuss or contemplate any given proposition is no reason, constitutional or otherwise, why their children should not discuss and contemplate any and every problem which is presented to them in 1897 upon its merits, whether their ancestors ever heard of such subject or not.

It is further submitted that the precedents in United States history are all against the unconstitutionality of the annexation of noncontiguous territory. Alaska is separated from the United States by a vast foreign territory. Midway Island is approximately three thousand

miles from the American coast. The Aleutian Islands, reaching almost to the Asiatic coast, extend twelve hundred miles west of Alaska, and the guano islands are scattered all over the Pacific and the Caribbean Sea.

THIRD OBJECTION.

It is unconstitutional because its inhabitants are not homogeneous with the people of the United States.

This is another of the alleged "implied prohibitions." The same reasoning applied to the last objection applies to this one, to wit, that there is no constitutional feature involved, but it is simply a fact to be taken into consideration when the advisability of annexing any given territory is under consideration.

Is it conceivable that, regardless of the advantages of annexing any given territory, the people of the United States are absolutely prohibited from annexing such territory, simply because its inhabitants may not be up to the full American standard?

Again, it is submitted that the precedents are all opposed to the view advanced in the objection under consideration. For example, when Louisiana was annexed its population consisted of a few thousand Frenchmen and several hundred thousand Indians, reaching from the Gulf of Mexico to the Oregon coast. To say nothing about the Indians, the Frenchmen were governed by the civil law of France, and to this day the foundation of the law of Louisiana is the civil law and not the English common law.

Florida had a population of a few Spaniards and Indians. Texas, prior to the great influx of Americans, had a population solely of Mexicans, Spaniards, and Indians. At the time of its annexation California had an American population consisting of only a few traders and a military post, the great bulk of the population consisting of Mexicans and Indians, with a sprinkling of Spanish priests. Alaska had a few hundred Russians and some thirty or forty thousand Arctic Indians. Were these homogeneous populations? Were they up to the American standard of citizenship? If not, and if it is unconstitutional to annex territory unless the inhabitants of such territory are up to the American standard, then such annexations were void, for if this is a constitutional principle, it can not be varied by circumstances.

It is submitted that there is no principle, direct, or implied, in the Constitution of the United States which makes the title of the United States to the territories enumerated depend upon the quality of the people living therein at the date of annexation.

FOURTH OBJECTION.

Whether the annexation of a nonhomogenous people is constitutional or not, the population of Hawaii is unfit for incorporation into, and will be dangerous to, the American political system.

Whether the Hawaiian population is unfit for incorporation into the American system depends upon two things: First, the existing facts; and second, the outlook for the future.

First, as to the existing conditions in Hawaii: The foundation of Hawaiian law is the common law of England. The general statutes, court procedure, and legal methods of Hawaii are as much like those of Illinois as those of Illinois are like those of Massachusetts. The laws of Hawaii are based upon—many of them copies of—those of the

United States. The two statutes, for example, which Japan is now objecting to as limiting Japanese immigration, are almost exact copies of the United States immigration laws restricting the immigration of contract laborers and undesirable persons. All legal documents are modeled on those in use in the United States. Most of the lawyers and judges are either from the United States or educated therein. The public-school system is based upon that of the United States. There are one hundred and eighty-seven of them, taught by four hundred and twenty-six teachers and containing 12,600 pupils, all taught in the English language. More than one-half the teachers are Americans. English is the official language of the schools and courts and the common language of business. The railroads, cars, engines, water works, water pipes, dynamos, telephones, fire apparatus, are all of American make. United States currency is the currency of the country. All Government and private bonds, notes, and mortgages are made payable in United States money. Practically manhood suffrage among all Hawaiian citizens has existed since 1852. The Australian ballot system has been in operation since 1890. All American holidays, Washington's Birthday, Decoration Day, Fourth of July, and Thanksgiving Day are as fully and enthusiastically celebrated in Hawaii as in any part of the United States. This is not the growth of a day, but of two generations, so that even to the native Hawaiian it appears to be the natural order of things.

The people of Hawaii, as a whole, are energetic and industrious. They are annually producing and exporting more per capita than any other nation in the world. Moreover, their chief export, sugar, is an article which has to compete in the markets of the world on the smallest possible margin of profit, and can be produced only by a combination of industry, economy, and keen business ability.

No people who are leading the world in the per capita export of manufactured products can be truthfully characterized as lazy, worthless, or unreliable.

As a matter of fact there are no poorhouses, paupers, beggars, or tramps in Hawaii.

To take the different nationalities up in detail:

THE NATIVE HAWAIIANS, only 33,000 in number, are a conservative, peaceful, and generous people. They have had during the last twenty years to struggle against the retrogressive tendencies of the reigning family; but in spite of that a very large proportion of them have stood out against such tendencies and are supporters of the Republic and of annexation. The majority of the present House of Representatives, the first under the Republic, consists of pure-blood native Hawaiians, and the speaker of the House is a native Hawaiian.

The Hawaiians are not Africans, but Polynesians. They are brown, not black. There is not and never has been any color line in Hawaii as against native Hawaiians, and they participate fully and on an equality with the white people in affairs political, social, religious, and charitable. The two races freely intermarry one with the other, the results being shown in a present population of some 7,000 of mixed blood. They are a race which will in the future, as they have in the past, easily and rapidly assimilate with and adopt American ways and methods.

THE PORTUGUESE have frequently been spoken of as being a bad element, and are even spoken of as not being Europeans. This is unjust and incorrect. Seven thousand of the so-called 15,000 Portuguese of Hawaii are Hawaiian born, and all of them have been educated in the

public schools, so that they speak English as readily as does the average American child. The criminal statistics show a smaller percentage of offenses committed by this class of Hawaiian population than by any other nationality in the country. They are a hard-working, industrious, home-creating, and home-loving people, who would be of advantage to any developing country. They constitute the best laboring element in Hawaii.

THE CHINESE AND JAPANESE are an undesirable population from a political standpoint, because they do not understand American principles of government. The Asiatic population of Hawaii consists largely, however, of laborers who are temporarily in the country for what they can make out of it. As soon as they accumulate a few hundred dollars they return home. Shut off the source of supply, and in ten years there will not be Asiatics enough left in Hawaii to have any appreciable effect.

Moreover, most of them are making as much or more money in Hawaii than they can in the United States, and they have no object in trying to come to this country. This is evidenced by the fact that prior to the passage of the Chinese exclusion act by Congress there were as many Chinese in Hawaii as there now are, but practically none came to California. The Japanese are now free to come to California from Honolulu, but none come.

The treaty of annexation prohibits any further Chinese immigration from the date of the ratification of the treaty; prohibits emigration of the Chinese now in Hawaii to any other part of the United States, and the treaty with Japan, which goes into effect in 1899, allows the United States to regulate the immigration of Japanese laborers.

Individually, the Chinese and Japanese in Hawaii are industrious, peaceable citizens, and as long as they do not take part in the political control of the country, what danger can the comparatively small number there be to this country? They are not citizens, and by the constitution of Hawaii they are not eligible to become citizens; they are aliens in America and aliens in Hawaii; annexation will give them no rights which they do not now possess, either in Hawaii or in the United States.

The remaining inhabitants of Hawaii are some seven or eight thousand Americans, English, and Germans; strong, virile men who have impressed their form of government upon the much larger population living there, and have acquired the ownership of more than three-fourths of all the property in the country. If they were able to do this against the hostility and in the face of an unfavorable monarchy, why is there any reason to believe that they will be any less strong under the fostering influence of the republican Government of the United States?

No territory of the United States was ever annexed with so strong a leaven of Americanism in it as exists to-day in Hawaii.

As to the future prospects. Within a hundred years Hawaii possessed a population of 400,000 people, who were supported by the lax methods of cultivation then in effect. With the advanced methods of to-day and the irrigation of the heretofore barren plains, there is no reason why Hawaii can not support a population of a million as easily as it now does 100,000. With stability of government will come immigration, development, and growth, which will as certainly take place in Hawaii as it has in all the other Territories heretofore annexed by the United States.

FIFTH OBJECTION.

We do not want Hawaii as a State, with two more Senators.

The treaty does not provide for Statehood. Hawaii does not ask for it, and the United States does not grant it. The treaty of annexation provides that Hawaii shall come into the Union as a Territory, and leaves the form of such Territorial government absolutely in the hands of Congress. What more could Hawaii give or the United States ask? It is recognized that Hawaii does not now possess the population or the wealth to warrant Statehood, and there is no probability that it will possess such qualifications for some time to come. It will be a question for our successors and not for us to settle. They will be dealing with their own fortunes and fates, and not with ours. Can we not perform the duty of the hour as it is presented to us, and leave the future to our successors in the faith that they will be as wise and as patriotic as we are?

SIXTH OBJECTION.

Hawaii is an outlying territory, and in time of war it will be a source of weakness to the United States.

Whether outlying territory is a source of weakness depends upon circumstances. When England owned territory in France it was a source of weakness to her. Her ownership of Gibraltar is a source of strength. This objection involves somewhat of a technical military question. All of the military and naval authorities of the United States who have expressed themselves upon the subject, Generals Schofield and Alexander; Admirals Porter, Walker, Belknap, and Captain Mahan have declared that Hawaii would be a source of strength to the United States in case of war. They do not base their opinion upon any occult reasoning, only known to themselves, but upon a plain demonstration of facts, viz:

The distance from Hongkong, on the west of Hawaii, to Panama, on the east, is 9,580 miles—as great a distance as from San Francisco across the American continent, across the Atlantic, across the Mediterranean, and across Turkey to the Persian border. The distance from Unalaska, the first port north of Hawaii, to Tahiti, the first port on the south, is 4,400 miles—a distance as great as from Greenland to the Amazon River. In all this vast territory there is only one spot where a ton of coal, a pound of bread, or a drink of water can be obtained, and that spot is Hawaii.

The great powers having interests in the Pacific are so far distant from the Pacific coast of the United States that not one of them can operate against it with a naval force unless they have a base of operations nearer than any which they now possess.

The navies of to-day are all steamers with limited coal-carrying capacity. There is not a war vessel in existence which can steam from any of the ports belonging to England, France, Russia, Spain, Japan, or China to the Pacific coast and back again without renewing its coal supply. Hawaii is only four days' steaming from San Francisco. In possession of Hawaii, any of the great powers mentioned would be within easy striking distance of the Pacific coast and its commerce. Shut out from Hawaii, all of them are forced back the entire width of the Pacific—a distance practically prohibitive of naval operations against the Pacific coast or its vicinity. Hawaii in the possession of

any foreign power would be a menace and a danger to the Pacific coast and its commerce. With foreign countries barred out of Hawaii, the Pacific coast and its commerce is almost absolutely safe from naval attack. Vancouver has not been mentioned in this connection, for the reason that it is taken for granted that any foreign possession which can be reached from the mainland by United States troops would be taken in case of war within a very short time after the commencement of hostilities.

SEVENTH OBJECTION.

It will necessitate heavy expenditures and a navy in order to protect Hawaii in time of war.

War between the United States and any foreign country may or may not require the fortification of Hawaii. But this question depends not in the remotest degree upon annexation. *It depends upon whether the United States is to continue its policy of the past fifty years, to wit, the barring out of all other nations from Hawaii.* This policy was initiated by President Tyler in 1842, when he said that "it could not but create dissatisfaction on the part of the United States at any attempt by another power to take possession."

It was reiterated by Daniel Webster a short time thereafter, when, upon being informed that the French were contemplating taking possession of the islands, he said:

"I trust the French will not take possession; but if they do, they will be dislodged, if my advice is taken, if the whole power of the Government is required to do it."

This policy has been reiterated by Presidents and Secretaries of State and other American statesmen during almost every Administration from that time to the present day.

In 1894 the House of Representatives formally adopted a resolution declaring that "intervention in Hawaii by any foreign power will not be regarded with indifference," while the Senate adopted a resolution containing stronger language, to the effect that such intervention "will be regarded as an act unfriendly to the United States."

This is the policy which will have to be defended. Annexation is only incidental to the policy of exclusion.

This policy can be defended either by guns or arguments. If it can be defended by arguments now it can likewise be so defended after annexation. If it is to be defended by guns, annexation will facilitate such defense.

Having long ago decided that its policy concerning Hawaii should be to keep other countries out, *the question now to be decided is, Can that policy best be subserved by vesting the legal title in the United States or by leaving Hawaii as an independent country?*

If the title is vested in the United States all possibility of future international complication will be at an end; and if the United States at any time hereafter decides that its policy of exclusion of other countries can best be subserved by guns it can immediately proceed to fortify Hawaii. If, however, the title to Hawaii remains in a foreign Government it is certain that in the future, as in the past, Hawaii will become involved with foreign countries and continue to be a fertile source of international complications; and if the United States in the course of time should deem that its time-honored policy required the fortification of Hawaii there might be found in control in Hawaii a government inimical to the United States, which would prohibit fortifications.

Annexation does not necessitate fortification, but if ever fortification is required title will be an essential.

Title can be obtained now. What the future may bring forth no one can tell.

EIGHTH OBJECTION.

It will be a forerunner and form a precedent for a policy of unlimited annexation of territory.

Any party in the United States which may in the future desire a precedent for annexing any country whatsoever will in the past history of the country find ample precedent for so doing without referring to Hawaii. The United States has annexed all kinds of territory, from the coral reefs and cocoanut groves of Key West to the icy barrier of northern Alaska; territories bordering on the Atlantic, the Gulf of Mexico, the Pacific, and the Arctic; islands of the Pacific and the Caribbean Sea. Its possessions extend as far west of San Francisco as Maine is east of San Francisco and as far north of Chicago as Florida is south of Chicago. So far as precedents are concerned, nothing more is required.

It is submitted, however, that the annexation of Hawaii will, if it is accomplished, forever stand unique. The area of Hawaii, approximately 7,000 square miles, is not inconsiderable. It is nearly as large as Massachusetts, and considerably larger than Connecticut and Rhode Island combined. But if it did not contain a hundred square miles its value to the United States would remain practically the same.

Its foreign commerce is wonderfully large for a country of its size. It amounted to \$22,000,000 for the year 1896. But if it had no commerce its value to the United States would be practically the same.

Its value to the United States consists in its unique position in the Pacific Ocean. It is the one and only point which can be made a naval base of operations against the Pacific coast. As Captain Mahan has said, "it stands alone * * * having no rival, and admitting of no rival." In the Atlantic, on the other hand, there are a hundred islands scattered around the United States coast, any one of which can be made a base of operations. In order to secure immunity from attack on the Atlantic all of these islands must be secured by the United States. In order to secure like immunity on the Pacific, Hawaii alone needs to be secured.

If there were numerous other islands in the Pacific, as there are in the Atlantic, then the annexation of Hawaii would offer a precedent for further extension of territory. As it is, *the annexation of Hawaii will not be for the purpose of securing additional territory or additional commerce, but will simply be the securing of a strategical point for the protection of territory which the United States already owns.* It will come precisely within the same principle that would be invoked did the Farallone Islands, thirty miles off the Golden Gate, or Long Island, off New York Harbor, belong to some foreign country, and were they now proposed to be secured by the United States.

NINTH OBJECTION.

It is contrary to the Monroe doctrine to acquire territory beyond the boundaries of the American continent.

This objection is made by those who do not understand what the Monroe doctrine consists of. The Monroe doctrine is a limitation on

European powers, excluding them from participation in the affairs of the American continent and its outlying islands, but it places no limitation upon the United States.

Instead of Hawaii lying beyond the purview of the Monroe doctrine, there is no territory to which the Monroe doctrine more directly applies than to Hawaii, and in no other case has there been such continued insistence on the part of American statesmen of the application of the doctrine as in the case of Hawaii.

In addition to the immense number of general statements by American statesmen concerning American control over Hawaii, the following quotations are directly in point:

In 1881 Secretary of State Blaine, in writing to United States Minister Comly, at Honolulu, says:

"The situation of the Hawaiian Islands, giving them strategic control of the North Pacific, brings their possession within the range of questions of purely American policy, as much so as that of the Isthmus itself."

In 1894 Senator Morgan, of Alabama, in a report to the Senate concerning the Hawaiian Islands, says:

"Observing the spirit of the Monroe doctrine, the United States, in the beginning of our relations with Hawaii, made a firm and distinct declaration of the purpose to prevent the absorption of Hawaii or the political control of the country by any foreign power."

TENTH OBJECTION.

A large portion of the Hawaiian voters have been disfranchised.

No vote has been taken in Hawaii upon the question of annexation, and it is un-American to annex a territory without a popular vote of its inhabitants.

It will be noted that this is the argument most resorted to by the ex-Queen Liliuokalani and her supporters. Their objection is not based upon opposition to the American Republic, but upon opposition to any republic. They are selfishly seeking the restoration of the monarchy for their own benefit, and as long as Hawaii remains independent they hope for some internal discord or foreign complication which will restore them to power.

The reply to the objection is that it is not un-American to annex territory without a vote of the inhabitants, and that no Hawaiian voters have been disfranchised.

Whether it is un-American to annex territory without a popular vote depends upon what has been done upon like occasions in the past. In the cases of the annexation of Louisiana, with its colony of intelligent Frenchmen; of Florida, with its Spaniards; of California, New Mexico, Arizona, and Alaska, there was no semblance of a vote, and there is no indication that the subject was even so much as discussed by either of the contracting parties. All that was done, or lawfully required to be done, was the agreement of the two Governments, and the act was complete without reference to either the people of the United States or of the territory proposed to be annexed.

The case of Texas is sometimes referred to as a precedent supporting a popular vote, but it is not. Texas was first proposed to be annexed by a treaty negotiated in 1837. After it failed of ratification the same method was followed in 1843. In neither treaty was any vote of the people provided for. In 1844 a bill was introduced into the Senate providing for the annexation of Texas and for the taking of a vote of her

people, which bill was defeated. Shortly thereafter a joint resolution was introduced to effect the annexation of Texas, in which no mention was made of a popular vote, but which contemplated the completion of the annexation upon the acceptance of the terms of the joint resolution by the Texan Government. Immediately upon receiving the news of the passage of this resolution the Texan legislature accepted the terms of the resolution and the annexation was complete. Several months thereafter the people of Texas adopted a State constitution, which incidentally ratified the annexation. But such ratification was not necessary, as that had already been completed months before by the legislature.

There is, therefore, no precedent in any of the annexations of the past for taking a popular vote upon the subject. Why, then, is it un-American to annex Hawaii without a popular vote?

There is less reason for taking a popular vote in the case of Hawaii than in any instance in the past, for the reason that there is not now and never has been any Hawaiian law requiring that a treaty of annexation should be submitted to popular vote; but, on the contrary, there is specifically incorporated into the constitution of the Republic an article authorizing and directing the President, by and with the consent of the Senate, to negotiate and conclude a treaty of annexation with the United States.

Again, why in logic is there any more reason for requiring a popular vote on the part of the citizens of Hawaii than by the citizens of the United States? The citizens of the United States, as well as those of Hawaii, assume responsibilities and obligations by reason of annexation. Why should the citizens of Hawaii be individually consulted and those of the United States ignored?

Incidentally, however, as in the case of Texas, there has been a practical vote in Hawaii upon the subject of annexation, for every person who is now a voter in Hawaii has taken the oath to the constitution of Hawaii, thereby ratifying and approving of annexation to the United States.

NO DISFRANCHISEMENT OF HAWAIIAN VOTERS.

Every person who was a voter under the monarchy has the privilege of voting under the Republic, with the sole difference that whereas under the monarchy he took an oath to support it, under the Republic he renounces the monarchy and takes an oath to support the Republic. There has been no disfranchisement of voters in Hawaii. The only persons who could vote under the monarchy and who can not vote now are those who have disfranchised themselves by refusing to accept the Republic.

The situation, then, is—

1. Neither the Constitution nor laws of the United States nor of Hawaii require a popular vote.

2. During fifty years there have been four annexation treaties negotiated by Hawaii with the United States, viz, in 1851, 1854, 1893, and 1897, in which, neither under the Monarchy, Provisional Government, nor the Republic, has any provision been made for a popular vote, either in the United States or Hawaii.

3. Six annexations of inhabited territory by the United States, during the past one hundred years, have been made without a popular vote being taken.

4. The Constitution of the United States, in general terms, and of

Hawaii specifically, authorizes the respective Presidents and Senates to conclude a treaty of annexation.

Under these circumstances, what basis is there for claiming that an annexation treaty can not be legally concluded except by popular vote?

If it is admitted that the legal right exists, and that the objection is based on a sentimental regard for the native Hawaiian, the native Hawaiian may well pray "deliver me from my friends." America has given him a taste of American liberty and civilization. America awards lies the full freedom and the proud status of republican citizenship. Unless annexation takes place, the only future for the native Hawaiian is retrogression to the status of the Asiatic coolie, who is already crowding him to the wall.

If the theoretical philanthropists of America, who are lifting up their voices against annexation through sympathy for the native Hawaiian, could descend out of the clouds long enough to ascertain the facts, they would learn that every native minister of the gospel; most of the better educated natives; almost without exception, all of the white ministers of the gospel; the representatives of the American Board of Foreign Missions; the Hawaiian Board of Missions; the practical educators; those who have for years contributed their time, their money, and their lives to the Hawaiian people; who feel that their welfare is a sacred trust—all of these are working, hoping, and praying for annexation as the one last hope of the native Hawaiian.

ELEVENTH OBJECTION.

A protectorate will secure to the United States all the advantages which will accrue under annexation, without involving the country in the responsibilities of ownership.

This is one of the problems which has confronted every American statesman who has been compelled to practically consider how best to maintain American control in Hawaii. It was the problem which faced President Pierce and Secretary of State Marcy in 1854; President Harrison and Secretary Foster in 1893, and President McKinley and Secretary Sherman in 1897. In each case the alternative of protectorate or annexation was presented, and in each case, after full deliberation, the decision was against a protectorate and in favor of annexation. The reason is that, under a protectorate, the independent government of Hawaii would still be free to get into troubles with other governments, thereby creating international complications for the settlement of which the United States would be responsible; while under annexation no international complications would arise, except such as might be created by the United States itself. The difference between a protectorate and annexation is that, under a protectorate, the United States would assume all the responsibilities, incident to ownership, without the power of control; while under annexation, it would assume no more responsibilities, and would acquire absolute control. Under a protectorate, Hawaii would still remain an incubator of international friction. Under annexation, it would be removed absolutely from international politics, as much so as is California or Florida.

TWELFTH OBJECTION.

It will be injurious to the beet-sugar industry, as Hawaiian sugar will compete with beet sugar raised in the United States.

The only way in which Hawaiian sugar can injure beet sugar is by being produced in such quantities as to supplant the beet product of

the United States, or by cutting the price so as to lower the price of beet sugar to its producers.

Hawaii can never produce enough sugar to supplant the beet or any other sugar in the United States. The sugar consumption of the United States was approximately two million tons during 1896, which consumption is rapidly increasing year by year. During 1896 Hawaii produced a little over two hundred thousand tons, or approximately one-tenth of the consumption of the United States. This is the highest output ever made by Hawaii, and is the best it has been able to do after twenty years of encouragement under the reciprocity treaty with the United States.

All of the natural cane lands of Hawaii are already under cultivation.

The only remaining lands which can possibly be cultivated with sugar cane are those now dry and barren, which can only be cultivated by artificial irrigation, by pumping water to an elevation of from one hundred and fifty to six hundred feet. It goes without saying that such irrigation must be limited in area and problematical in profits.

As to Hawaiian sugar cutting the price, sugar is a world product, and its price is determined by the world's price, which is fixed in New York and London. If the Hawaiian crop were cut off entirely, or doubled, it would not raise or lower the price of sugar in the United States one mill. It is sometimes suggested that Hawaiian sugar may more than equal the consumption of the Pacific coast, and that Hawaiian planters would lower their price rather than send it to New York. The reply to this is that the Pacific coast's consumption is only about seventy-five thousand tons per annum, and long ago the Hawaiian product far exceeded this. About one-third of the Hawaiian product for 1896-97 was sent to New York, and probably more than one-half of the crop of 1897-98 will be sent there.

Again, the Hawaiian cane-sugar planters suffer under many disadvantages which the beet-sugar producers do not. It takes from eighteen to twenty-two months to grow a crop of sugar cane in Hawaii, during the entire period of which it must be irrigated on most of the plantations every week or two. It takes the beet-sugar planter only about six months to make a crop.

The cane-sugar planter has to employ his laborers all the year around; the beet-sugar planter discharges his laborers when the crop is made.

The cane-sugar planter of Hawaii pays now somewhat less wages per month than does the beet-sugar planter, although not as much less as is generally supposed, the average laborer in Hawaii costing the planter from fifteen to eighteen dollars per month. *Under annexation the Asiatic supply of labor will be cut off*, and this slight advantage will be eliminated.

Again, it costs the Hawaiian cane planter approximately ten dollars a ton to get his sugar from the plantation to its market, while the beet-sugar planter has his market at his door.

Taken all in all, the cane-sugar planter of Hawaii stands on no more favorable basis than does the beet-sugar planter of the United States, and there is no reason why their interests should clash any more than do the interests of the corn planter of Kansas clash with those of the corn planter of Nebraska.

THIRTEENTH OBJECTION.

It will excite the jealousy of, and create complications with, foreign governments.

When the annexation treaty of 1893 was negotiated, no protest was

made by any foreign country. None has been made now, except by Japan, and the reasons assigned by Japan for her protest are absolutely inconsistent with the traditional policy of the United States, that they shall control Hawaii.

The rapid development of Japanese pretensions in Hawaii since 1893 is a signal illustration of the danger of further postponing that which all American statesmen agree must at some time be done, viz, definitely and finally secure to the United States the control of Hawaii. This can never be done with as little friction as at present, and if it is further delayed the increasing importance of the Pacific and the interests of other nations therein may at an early date cause other nations than Japan to also assume an attitude of hostility toward annexation. There is danger in delay. There can be little danger of foreign complication if immediate action is taken.

FOURTEENTH OBJECTION.

The Government of Hawaii consists of foreign adventurers, who have no authority or jurisdiction over the country.

This was an objection made when the Provisional Government was first formed, and when its members were unknown to the world. The history of the Provisional Government and the Republic of Hawaii and its dealings with the world have refuted this charge. If anything more were needed as proof in the matter, it is furnished by a report from Minister Willis to Secretary Gresham, when he was in the midst of his attempt to restore the ex-Queen, and it was feared that the attempt might be forcibly resisted by the citizens of Honolulu. Mr. Willis wrote:

“Fortunately, the men at the head of the Provisional Government are acknowledged by all sides to be of the highest integrity and public spirit.”

It is sufficient to say further, that of the so-called “foreign population,” nearly 10,000 were born in and are natives of Hawaii, with as much right to speak for Hawaii as the American-born white man has to speak for the United States;

That the other so-called “foreigners” have made Hawaii the land of their adoption; have acquired property, homes, and political rights; have built up the country and made it what it is, and have as much right to speak for Hawaii as the multitude of European-born American citizens who occupy every official position throughout the land, save that of President, have to legislate and speak for the United States;

That the President, two members of the cabinet, the chief justice, and a very large number of the leading officials of the Government were born and have always resided in Hawaii, and that the other members of the Government are, almost without exception, old residents, while, without exception, the members of the Government are the leading business and professional men of the country, who have temporarily taken on the cares of public office until the Government can be established on a permanent basis, when they will only too willingly hand over its conduct to others. It would seem sufficient to meet the charge that they are adventurers, seeking their own private benefit, to show that they are, by every means within their power, advancing a treaty which by its terms will legislate them out of office.

FIFTEENTH OBJECTION.

Annexation will be beneficial to the sugar trust.

No one has advanced any theory showing how the sugar trust will be benefited by annexation. As a matter of fact, no sugar refiner in the

United States will be benefited by annexation, for the reason that it will place just so much more sugar upon the American market free of duty, to come into competition with the product of the American sugar refiner. There is no probability that a large quantity, if any, sugar will be refined in Hawaii, but entry to other portions of the United States for high-grade raw sugars will enable the sugar planters of Hawaii to place in the markets of the United States a light-colored, wholesome raw sugar, which can compete with the refined product of the sugar trust. This Hawaiian sugar will be limited in amount, to be sure, but to the extent to which it goes it will compete with the product of the trust, with no compensating advantage to that organization.

SIXTEENTH OBJECTION.

Under the proposed treaty of annexation the United States assumes the Hawaiian public debt without receiving in return the means or property with which to pay it.

This statement can only be made by one unfamiliar with the property and resources owned by the Hawaiian Government. The present net debt of the Republic of Hawaii is approximately \$3,900,000, and the schedule of its salable property, exclusive of the public streets and roads, upon which not less than a million dollars have been expended, amounts to \$7,938,000, leaving a clear net profit to the United States in property acquired of approximately \$4,000,000, all of the property owned by Hawaii being transferred by the terms of the annexation treaty to the United States. This does not include the revenues from customs, rent, post-office, etc., which largely exceed current expenses.

SEVENTEENTH OBJECTION.

There is leprosy in Hawaii.

This is, unfortunately, true. Nothing in the climatic conditions of Hawaii, however, caused the disease. It was brought from China about thirty years ago, and has attacked a large number of the natives, it being confined almost exclusively to them. There are not, however, as many lepers in Hawaii as there are in Norway, nor do there begin to be the numbers that there are in Japan, China, India, and other Eastern countries. Moreover, Hawaii is the one country in the world dealing with the subject which rigorously segregates the victims of the disease. No cases are seen at large, and all of the patients are most carefully cared for by the local government. Moreover, I have yet to learn that the political relations existing between two countries will increase the danger arising from diseases existing in either. The local government of Hawaii will continue in the future as in the past to care for its own unfortunates, with no more expense nor danger to the people of the United States than there now is.

EIGHTEENTH OBJECTION.

The monarchy was overthrown through the agency of American troops.

This accusation is ancient history. If it were true, which is not admitted, it would have no more effect to-day upon the status of the Hawaiian Republic than does the fact that French troops assisted Washington to overthrow the British monarchy in America have any effect upon the present status of the American Republic.

Regardless of its origin, the Republic of Hawaii is to-day recognized by every sovereign government of the world as an independent nation,

with all the rights and powers of any other sovereign or independent nation, and this with the full knowledge that its constitution contains an article providing explicitly for annexation to the United States.

Concerning the truth of the charge mentioned, we have the positive statements of United States Minister Stevens and Captain Wiltse, of the United States Navy, who were on the ground at the time, that the American troops were not landed for such purpose and did not take any part in the overthrow of the monarchy. There has been a vast amount of controversy upon the subject, and in 1894 the United States Senate appointed a committee for the express purpose of investigating this very point, Senator Morgan, of Alabama, a Democrat, being the chairman of the committee. The committee made an exhaustive examination of the subject, and made a report to the Senate covering over two thousand pages of fine printed matter. The conclusion of the committee upon this point, formulated by Senator Morgan, is as follows:

"The committee, upon the evidence as it appears in their report (which they believe is a full, fair, and impartial statement of the facts attending and precedent to the landing of the troops), agree that the purpose of Captain Wiltse and of Minister Stevens were only those which were legitimate, viz, the preservation of law and order to the extent of preventing a disturbance of the public peace, which might, in the absence of troops, injuriously affect the rights of the American citizens resident in Honolulu."

History will vindicate Minister Stevens and prove, what those who knew him best already know, that the United States never possessed a truer officer or a more patriotic citizen or one who more fearlessly met difficult and unexpected conditions and did his duty to his country.

NINETEENTH OBJECTION.

It is unlikely that the United States will go to war with any other country. But if it does, and it then wants Hawaii, there is time enough to take it.

It is idle to discuss whether the United States will again go to war. It is a matter of opinion. Judging the future by the past, the chances are strongly that it will. Its might is not an insurance against war. Rome ruled the world, but war came. The intervening sea will not prevent it. England, the one isolated nation of Europe, has as many wars as all the rest of Europe put together.

The certainty that the United States would probably conquer in the end is no guarantee against it. Small boys frequently fight big ones, expecting to be whipped. There can be no doubt concerning the ultimate result of a war with Spain; but it seems probable that Spain might welcome war with the United States as the method by which she can get out of Cuba with the least injury to her national dignity and prestige.

There is no certainty that there *will* be war; but on the other hand there is no certainty that there *will not* be. Human nature has developed but has not radically changed. The nations of the world never spent more time or money in preparation for war than they are doing to-day.

It is not wise for a man to leave his doors unlocked when burglars are around simply because none have been to his house. They may come when least expected.

Wars come nowadays suddenly and unexpectedly. The nations are in

such a state of preparation that they can accomplish in a week what formerly took months.

The Austro-Prussian war was finished and Austria prostrated in six weeks.

No sooner was war declared than Germany overran France and was victorious within four months.

Japan opened the war on China with an attack which destroyed a ship and a thousand men and made formal declaration at her leisure.

Turkey and Greece each began hostilities without notice.

Any nation which attacks the United States by way of the west will, as a military necessity, first occupy Hawaii as a base of operations.

The first intimation of war which the United States will have may be the seizure of Hawaii; and, with its natural defensive possibilities, any strong maritime nation once intrenched in Hawaii can be evicted therefrom, if at all, only by vast expenditure and tremendous effort.

Gibraltar is a century-long lesson of how much easier it is to let a warlike nation *in* than it is to get it *out* of a strong position.

TWENTIETH OBJECTION.

The United States already has enough territory, people, and problems. We want no more of them. Let well enough alone.

It has already been stated above that *the chief reason for the annexation of Hawaii is to secure a vantage ground for the protection of what the United States already owns.* It is not primarily to secure new territory, promote shipping, and increase commerce, but as a measure of precaution to prevent the acquisition by a foreign, and perhaps in the future hostile, power of an acknowledged military stronghold, possessing peculiar strategic relations toward the territory and commerce of this country. In comparison with the benefit and advantage to the country of securing control of this strategic stronghold, what do the disadvantages amount to?

Even if all the people of Hawaii are not up to the highest ideal American standard, how can they harmfully affect the American people or Government? They number 109,000. No more than are sometimes landed in New York in a single month. About one-tenth of one per cent of the present population. Can anyone seriously maintain that this insignificant, fractional addition of people, without the powers appurtenant to Statehood—with only such limited Territorial form of government as Congress pleases to grant—can to any appreciable extent injuriously affect the political life and fortunes of the American people? Can such claim be urged in good faith when the dominant element in Hawaii, politically, socially, and financially, is, and for years has been, so strongly American in its business, financial, and political methods as to have converted an alien land and people into what is universally recognized as being “the most American spot on earth?”

As to problems, what problems that the United States does not now have will it have after annexation?

None arising from the people of Hawaii coming over here. If they wanted to come to America, they could come now. But they have no reason for coming. They are more prosperous now than the people of the United States, and after annexation they will be more prosperous still.

The movement of population is already to, and not from, Hawaii, and annexation will greatly accelerate it.

The people of Hawaii will remain in Hawaii, and will themselves settle locally the local problems arising out of local conditions, with no more effect upon the political life and principles of the General Government than has a town election or local-option agitation in Arizona.

As a Territory Hawaii will have no vote in national affairs; and with the trend of existing feeling against admitting new States, the time for discussing statehood is so far in the future that it is beyond the domain of practical life.

Financially no problem will be created. Hawaii is more than self-supporting.

Internationally no problems will be created. On the contrary, an international problem which has made demands upon the time and attention of American statesmen for two generations—the problem of “how to keep other nations out of Hawaii”—will be solved and written off the books.

From a military standpoint no problems will be created. On the contrary, the military situation will be simplified. Military experts, American and foreign, unite in acknowledging that Hawaii is a strategical point of the first importance, ranking with Gibraltar and the Suez canal.

If it is ever deemed essential to American interests to fortify Hawaii, it will certainly be far easier to do so if it belongs to and is already occupied by the United States than if it belongs to another, and possibly hostile, government.

This objection is made by those who think that the United States is sufficient unto itself; that it does not need to take a part in affairs beyond its borders, and that danger lies in every direction beyond them.

The day when the United States can, hibernating, live off itself has passed. In this end of the nineteenth century a “hermit nation” is no longer possible. The United States resurrected Japan from that status, but it can not assume the rôle itself.

No man lives unto himself; neither can a nation. No nation can stand still; it must either progress or retrograde.

For a number of years the apparent paradox was seen of the United States growing and developing faster than anything known in history, while paying but slight attention to her international relations, either political or commercial.

The manifest reason was that it possessed a vast undeveloped area which afforded within its borders full scope for all surplus energy and capital that, in the kindred country of England, has spread itself over every quarter of the globe.

That condition no longer exists. The unoccupied territory has been taken up, and, while much remains to be done, the creative energy of the American people can no longer be confined within the borders of the Union. Production has so outrun consumption in both agricultural and manufactured products that foreign markets must be secured or stagnation will ensue.

Foreign trade means foreign interests which must be protected. It means rivalries and jealousies with other exporting nations, in which the American citizen must have the support of his Government.

The day has gone by when the United States can ignore its international relations, privileges, and obligations. Whether it will or no, the logic of events is forcing the American people and their Government to take their place as one of the great “international nations,” and incidentally thereto to adopt such means as are necessary to sustain the position.

OPINIONS OF PRESIDENTS OF THE UNITED STATES CONCERNING
THE CONTROL OR ANNEXATION OF HAWAII.

JOHN TYLER.

United States opposition to foreign control.

On December 31, 1842, President Tyler sent a special message to the Senate, relating to the Hawaiian Islands, from which the following extracts are made.

After speaking of the development of the Island Government and the importance of the islands to shipping, he continues:

It can not but be in conformity with the interest and wishes of the Government and the people of the United States that this community * * * should be respected and all its rights strictly and conscientiously regarded. * * * Far remote from the dominions of European powers, its growth and prosperity as an independent state may yet be in a high degree useful to all whose trade is extended to those regions, while its near approach to this continent and the intercourse which American vessels have with it—such vessels constituting five-sixths of all which annually visit it—*could not but create dissatisfaction on the part of the United States at any attempt by another power, should such attempt be threatened or feared, to take possession of the islands, colonize them, and subvert the native government.* (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 847.)

MILLARD FILLMORE.

President Fillmore reiterated this sentiment in stronger language in 1850–51. See dispatches of Secretaries Clayton and Webster, quoted below.

FRANKLIN PIERCE.

Approval of annexation.

President Pierce desired the annexation of Hawaii and authorized the negotiation of the treaty of annexation of 1854. See treaty in full, hereunder. (See dispatch of Secretary Marcy to U. S. Minister Gregg, April 4, 1854. Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 929.)

First attempt at reciprocity.

A treaty of reciprocity was negotiated between the United States and Hawaii under President Pierce, but was not confirmed by the Senate. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 944.)

JAMES BUCHANAN.

Foreign control highly injurious to United States.

President Buchanan, in his dispatch as Secretary of State, September 3, 1849, quoted below, stated that English or French control of Hawaii would be "highly injurious" to the interests of the United States.

ANDREW JOHNSON.

Reciprocity advocated as leading to annexation.

The following is an extract from the annual message of President Johnson to the 40th Congress, December 19, 1868:

I am aware that upon the question of further extending our possessions it is apprehended by some that our political system can not successfully be applied to an area more extended than our continent; but *the conviction is rapidly gaining ground in the*

American mind that, with the increased facilities for intercommunication between all portions of the earth, the principles of free government, as embraced in our Constitution, if faithfully maintained and carried out, would prove of sufficient strength and breadth to comprehend within their sphere and influence the civilized nations of the world.

The attention of the Senate and of Congress is again respectfully invited to the treaty for the establishment of commercial reciprocity with the Hawaiian Kingdom, entered into last year, and already ratified by that Government. The attitude of the United States toward these islands is not very different from that in which they stand toward the West Indies. It is known and felt by the Hawaiian Government and people that their institutions are feeble and precarious; that *the United States, being so near a neighbor, would be unwilling to see the islands pass under foreign control.* Their prosperity is continually disturbed by expectations and alarms of unfriendly political proceedings, as well from the United States as from other foreign powers. *A reciprocity treaty, while it could not materially diminish the revenues of the United States, would be a guarantee of the good will and forbearance of all nations until the people of the islands shall of themselves, at no distant day, voluntarily apply for admission into the Union.* (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 954.)

U. S. GRANT.

The annexation of Hawaii was favored by President Grant. (See dispatch Sec'y State Seward to Minister McCook, Sept. 12, 1867, quoted hereunder.)

Question of annexation submitted to Senate.

In February, 1871, Mr. Pierce, American Minister to Honolulu, wrote, recommending the subject of annexation to the attention of the President. President Grant thereupon sent to the Senate a confidential message, accompanied by Mr. Pierce's statement. The message is as follows:

To the Senate of the United States:

I transmit confidentially, for the information and consideration of the Senate, a copy of a dispatch of the 25th of February last, relative to the annexation of the Hawaiian Islands, addressed to the Department of State by Henry A. Pierce, minister resident of the United States at Honolulu. Although I do not deem it advisable to express any opinion or to make any recommendation in regard to the subject at this juncture, the views of the Senate, if it should be deemed proper to express them, would be very acceptable with reference to any future course which there might be a disposition to adopt.

U. S. GRANT.

WASHINGTON, April 5, 1871.

(Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 824.)

NOTE.—The dispatch from Mr. Pierce is given hereafter under the heading, "Statements of American Ministers at Honolulu," etc.

CHESTER A. ARTHUR.

President Arthur was in full sympathy with the Americanizing of Hawaii. See Secretary Blaine's dispatches of December 1, 1881, quoted below.

BENJAMIN HARRISON.

Annexation treaty negotiated and advocated.

In February, 1893, President Harrison caused an annexation treaty to be negotiated with Hawaii. The following is the message accompanying the treaty upon its transmission to the Senate for confirmation:

To the Senate:

I transmit herewith, with a view to its ratification, a treaty of annexation concluded on the 14th day of February, 1893, between Hon. John W. Foster, Secretary of State, who was duly empowered to act in that behalf on the part of the United States, and Lorrin A. Thurston, W. R. Castle, W. C. Wilder, C. L. Carter, and Joseph

Marsden, the commissioners on the part of the Provisional Government of the Hawaiian Islands.

The treaty, it will be observed, does not attempt to deal in detail with the questions that grow out of the annexation of the Hawaiian Islands to the United States. The commissioners representing the Hawaiian Government have consented to leave to the future and to the just and benevolent purposes of the United States the adjustment of all such questions.

I do not deem it necessary to discuss at any length the conditions which have resulted in this decisive action.

It has been the policy of the Administration not only to respect, but to encourage, the continuance of an independent government in the Hawaiian Islands so long as it afforded suitable guarantees for the protection of life and property and maintained a stability and strength that gave adequate security against the domination of any other power. The moral support of this Government has continually manifested itself in the most friendly diplomatic relations and in many acts of courtesy to the Hawaiian rulers.

The overthrow of the monarchy was not in any way promoted by this Government, but had its origin in what seems to have been a reactionary and revolutionary policy on the part of Queen Lilioukalani, which put in serious peril not only the large and preponderating interests of the United States in the islands, but all foreign interests, and, indeed, the decent administration of civil affairs and peace of the islands.

It is quite evident that the monarchy had become effete and the Queen's Government so weak and inadequate as to be the prey of designing and unscrupulous persons. The restoration of Queen Lilioukalani to her throne is undesirable if not impossible, and unless actively supported by the United States would be accompanied by serious disaster and the disorganization of all business interests. *The influence and interest of the United States in the islands must be increased and not diminished.*

Only two courses are now open—one, the establishment of a protectorate by the United States, and the other, annexation full and complete. I think the latter course, which has been adopted in the treaty, will be highly promotive of the best interests of the Hawaiian people and is the only one that will adequately secure the interests of the United States. These interests are not wholly selfish. It is essential that none of the great powers shall secure these islands. Such a possession would not consist with our safety and with the peace of the world.

This view of the situation is so apparent and conclusive that no protest has been heard from any Government against proceedings looking to annexation. Every foreign representative at Honolulu promptly acknowledged the Provisional Government, and I think there is a general concurrence in the opinion that the deposed Queen ought not to be restored. Prompt action upon this treaty is very desirable.

If it meets the approval of the Senate, peace and good order will be secured in the islands under existing laws until such time as Congress can provide by legislation a permanent form of government for the islands. This legislation should be, and I do not doubt will be, not only just to the natives and all other residents and citizens of the islands, but should be characterized by great liberality and a high regard to the rights of all the people and of all foreigners domiciled there.

The correspondence which accompanies the treaty will put the Senate in possession of all the facts known to the Executive.

BENJ. HARRISON.

EXECUTIVE MANSION, February 15, 1893.

(Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 1005.)

The treaty of annexation is hereinafter contained.

WILLIAM M'KINLEY.

Annexation treaty negotiated and advocated.

On June 15, 1897, President McKinley caused an annexation treaty to be negotiated with the Republic of Hawaii.

Message to the Senate.

The following is the message accompanying the treaty upon its transmission to the Senate for confirmation:

To the Senate of the United States:

I transmit herewith to the Senate, in order that, after due consideration, the constitutional function of advice and consent may be exercised by that body, a treaty

H. Rep. 1355—5

for the annexation of the Republic of Hawaii to the United States, signed in this capital by the plenipotentiaries of the parties on the 16th of June instant.

For better understanding of the subject I transmit in addition a report of the Secretary of State, briefly reviewing the negotiation which has led to this important result.

ANNEXATION NECESSARY SEQUEL OF HISTORICAL EVENTS.

The incorporation of the Hawaiian Islands into the body politic of the United States is the necessary and fitting sequel to the change of events which, from a very early period in our history, has controlled the intercourse and prescribed the association of the United States and the Hawaiian Islands. The predominance of American interest in that neighboring territory was first asserted in 1820, by sending to the islands a representative agent of the United States. It found further expression by the signature of a treaty of friendship, commerce, and navigation with the King in 1826—the first international compact negotiated by Hawaii. It was signally announced in 1843, when the intervention of the United States caused the British Government to disavow the seizure of the Sandwich Islands by a British naval commander, and to recognize them by treaty as an independent State, renouncing forever any purpose of annexing the islands or exerting a protectorate over them.

CESSION OF HAWAII IN 1851.

In 1851 the cession of the Hawaiian Kingdom to the United States was formally offered, and although not then accepted, this Government proclaimed its duty to preserve alike the honor and dignity of the United States and the safety of the Government of the Hawaiian Islands. From this time until the outbreak of the war in 1861 the policy of the United States toward Hawaii and of the Hawaiian sovereignty toward the United States was exemplified by continued negotiations for annexation or for a reserved commercial union.

RECIPROCITY TREATY OF 1875 AND 1884.

The latter alternative was at length accomplished by the reciprocity treaty of 1875, the provisions of which were renewed and expanded by the convention of 1884, embracing the perpetual cession to the United States of the harbor of Pearl River, in the island of Oahu.

REFUSAL OF JOINT ACTION WITH GERMANY AND GREAT BRITAIN IN 1888.

In 1888 a proposal for the joint guaranty of the neutrality of the Hawaiian Islands by the United States, Germany, and Great Britain was declined on the announced ground that the relation of the United States to the islands was sufficient for the end in view.

CONTINUOUS POLICY EXCLUSION OF ALL FOREIGN INFLUENCE.

In brief, from 1820 to 1893 the course of the United States toward the Hawaiian Islands has consistently favored their autonomous welfare, with the exclusion of all foreign influence save our own, to the extent of upholding eventual annexation as the necessary outcome of that policy.

ANNEXATION A CONSUMMATION, NOT A CHANGE.

Not only is the union of the Hawaiian territory to the United States no new scheme, but it is the inevitable consequence of the relation steadfastly maintained with that mid-Pacific domain for three-quarters of a century. Its accomplishment, despite successive denials and postponements, has been merely a question of time. While its failure in 1893 may not be a cause of congratulation, it is certainly a proof of the disinterestedness of the United States, the delay of four years having abundantly sufficed to establish the right and the ability of the Republic of Hawaii to enter, as a sovereign contractant, upon a conventional union with the United States, thus realizing a purpose held by the Hawaiian people and proclaimed by successive Hawaiian governments through some twenty years of their virtual dependence upon the benevolent protection of the United States. *Under such circumstances annexation is not a change. It is a consummation.*

DETAILS OF FORM OF GOVERNMENT LEFT TO CONGRESS.

The report of the Secretary of State explains the character and course of the recent negotiations and the features of the treaty itself. The organic and administrative details of incorporation are necessarily left to the wisdom of the Congress, and I can not doubt, when the function of the constitutional treaty-making power shall have

been accomplished, the duty of the national legislature in the case will be performed with the largest regard for the interests of this rich insular domain and for the welfare of the inhabitants thereof.

WILLIAM MCKINLEY.

EXECUTIVE MANSION, *Washington, June 16, 1897.*

[Secretary Sherman's report to President McKinley, accompanying the treaty, is hereinafter contained.]

**OPINIONS OF SECRETARIES OF STATE OF THE UNITED STATES
CONCERNING THE CONTROL OR ANNEXATION OF HAWAII.**

DANIEL WEBSTER.

First public statement of superior interest of United States in Hawaii.

Upon application of the Hawaiian Government for recognition by the United States, Secretary of State Webster replied, on December 19, 1842, that the matter had been submitted to the President [Tyler] and—

The President is of opinion that the interests of all the commercial nations require that that Government [Hawaii] shall not be interfered with by foreign powers. * * * *The United States * * * are more interested in the fate of the islands and of their government than any other nation can be,* and this consideration induces the President to be quite willing to declare, as the sense of the Government of the United States, that the Government of the Sandwich Islands ought to be respected; that no power ought either to take possession of the islands as a conquest or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government, or any exclusive privileges or preferences in matters of commerce. (Appendix 2, For. Rel. of the U. S., 1894, p. 44.)

Webster's views were elaborated in 1851, hereafter quoted.

H. S. LEGARE.

Advocated force to keep European powers out.

June 13, 1843, Secretary of State Legare sent a dispatch to Edward Everett, U. S. minister at London, in which the relations of the United States to Hawaii are mentioned, by reason of the then recent seizure of the islands by England. In this connection he says:

It is well known that * * * we have no wish to plant or to acquire colonies abroad. *Yet there is something so entirely peculiar in the relations between this little commonwealth Hawaii and ourselves that we might even feel justified, consistently with our own principles, in interfering by force to prevent its falling into the hands of one of the great powers of Europe.* These relations spring out of the local situation, the history, and the character and institutions of the Hawaiian Islands, as well as out of the declarations formally made by this Government during the course of the last session of Congress, to which I beg leave to call your particular attention.

If the attempts now making by ourselves, as well as other Christian powers, to open the markets of China to a more general commerce be successful, there can be no doubt but that a great part of that commerce will find its way over the Isthmus. In that event *it will be impossible to overrate the importance of the Hawaiian group as a stage in the long voyage between Asia and America.* But without anticipating events which, however, seem inevitable, and even approaching, the actual demands of an immense navigation make the free use of these roadsteads and ports indispensable to us. * * * It seems doubtful whether even the undisputed possession of the Oregon Territory and the use of the Columbia River, or indeed anything short of the acquisition of California (if that were possible), would be sufficient indemnity to us for the loss of these harbors. (Rep. Sen. Com. on For. Rel. concerning Hawaiian Islands, vol. 2, p. 921.)

JAMES BUCHANAN.

Occupation by England or France highly injurious to the United States.

On the 3d of September, 1849, Secretary of State Buchanan sent a dispatch to the U. S. minister resident at Honolulu, Ten Eyck, concerning the relations between Hawaii and the United States, in view of the

then threatening conduct of the French against Hawaii, in which the following words are used:

We ardently desire that the Hawaiian Islands may maintain their independence. *It would be highly injurious to our interests if, tempted by their weakness, they should be seized by Great Britain or France; more especially so, since our recent acquisitions from Mexico on the Pacific Ocean.* (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 897.)

JOHN M. CLAYTON.

United States could never allow Hawaii to be controlled by any other power.

In a dispatch from Secretary Clayton to U. S. Minister Rives at Paris, July 5, 1850, referring to the differences between the French and Hawaiian Governments, he made the following statement:

The Department will be slow to believe that the French have any intention to adopt, with reference to the Sandwich Islands, the same policy which they have pursued in regard to Tahiti. If, however, in your judgment it should be warranted by circumstances, you may take a proper opportunity to intimate to the minister for foreign affairs of France that *the situation of the Sandwich Islands, in respect to our possessions on the Pacific and the bonds commercial and of other descriptions between them and the United States, are such that we could never, with indifference, allow them to pass under the dominion or exclusive control of any other power.* (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 895.)

DANIEL WEBSTER.

Action by France would seriously disturb friendly relations with United States.

Upon receipt of a communication by Mr. Severance (quoted below, under the heading "Opinions of American Ministers at Honolulu," &c.), Secretary of State Webster, on June 18, 1851, again addressed U. S. Minister Rives at Paris instructing him to immediately inform the French Government that the further enforcement of the French demands against Hawaii—

would be tantamount to a subjugation of the islands to the dominion of France. *A step like this could not fail to be viewed by the Government and people of the United States with a dissatisfaction which would tend seriously to disturb our existing friendly relations with the French Government.*

Reparation requested for Hawaii, indicating claim of United States of right to protect Hawaii.

And he is further instructed to make such representations to France—

as will induce that Government to desist from measures incompatible with the sovereignty and independence of the Hawaiian Islands, and to make amends for the acts which the French agents have already committed there in contravention of the law of nations and of the treaty between the Hawaiian Government and France. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 905-6.)

Declaration of policy—United States can never consent to occupation by, or hostile demands of, European powers.

Secretary of State Webster, replying to U. S. Minister Severance at Honolulu, on July 14, 1851, says, after reciting that the demands of France were improper and "could only end in rendering the islands and their government a prey to the stronger commercial nations of the world:"

It can not be expected that the Government of the United States could look on a course of things leading to such a result with indifference.

The Hawaiian Islands are ten times nearer to the United States than to any of the powers of Europe. Five-sixths of all their commercial intercourse is with the United

States, and these considerations, together with others of a more general character, have fixed the course which the Government of the United States will pursue in regard to them. The annunciation of this policy will not surprise the governments of Europe, nor be thought to be unreasonable by the nations of the civilized world, and that policy is that while the Government of the United States, itself faithful to its original assurance, scrupulously regards the independence of the Hawaiian Islands, it can never consent to see those islands taken possession of by either of the great commercial powers of Europe, nor can it consent that demands manifestly unjust and derogatory and inconsistent with a bona fide independence shall be enforced against that Government. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 908.)

Copy furnished diplomatic corps at Washington.

A copy of the above letter from Secretary Webster to Minister Severance was, simultaneously with its dispatch, furnished to all the members of the diplomatic corps in Washington, in circular form, which caused offense to the French Government, but they nevertheless acquiesced in its terms, and desisted from the course of aggression which they had been following. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 913.)

Force advocated to keep France out.

At this time the French were so threatening in Hawaii that the Hawaiian Government requested the American consul, E. H. Allen, to go personally to Washington and represent the state of affairs, which he did. Upon making his statement to Secretary Webster, the latter replied:

I trust the French will not take possession; but if they do, they will be dislodged if my advice is taken, if the whole power of the Government is required to do it.

W. L. MARCY.

Inevitably Hawaii must be controlled by the United States.

Secretary of State W. L. Marcy addressed a communication on December 16, 1853, to Mr. John Mason, U. S. minister to France, in which he states that during the recent disturbances in Hawaii—

the question of transferring the sovereignty of these islands to the United States was much discussed.

He further states that the British and French ministers had both called upon him (Marcy) and tried to induce him to agree—

that this Government would take no measures to acquire the sovereignty of these islands or accept it if voluntarily offered to the United States. * * * Their ministers, particularly the minister of France, labored to impress me with the belief that such a transfer would be forcibly resisted. * * *

ANNEXATION FORESHADOWED.

*The object in addressing you at present is to request you to look into this matter and ascertain, if possible, * * * what would probably be the course of France in case of an attempt on the part of the United States to add these islands to our territorial possessions by negotiation or other peaceable means.*

I do not think the present Hawaiian Government can long remain in the hands of the present rulers or under the control of the native inhabitants of these islands, and both England and France are apprised of our determination not to allow them to be owned by or to fall under the protection of either of these powers or of any other European nation.

It seems to be inevitable that they must come under the control of this Government, and it would be but reasonable and fair that these powers should acquiesce in such a disposition of them, provided the transference was effected by fair means. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 914.)

Instructions of Marcy to negotiate annexation treaty.

On the 4th of April, 1854, Secretary of State Marcy sent a dispatch to David L. Gregg, U. S. minister at Honolulu, giving special instructions on the subject of annexation, viz:

In your general instructions you were furnished with the views of this Government in regard to any change in the political affairs of the Sandwich Islands. *The President was aware, when those instructions were prepared, that the question of transferring the sovereignty of those islands to the United States had been raised, and favorably received by many influential individuals residing therein. It was foreseen that at some period, not far distant, such a change would take place, and that the Hawaiian Islands would come under the protectorate of or be transferred to some foreign power.* You were informed that it was not the policy of the United States to accelerate such a change; but if, in the course of events, it became unavoidable, this Government would much prefer to acquire the sovereignty of these islands for the United States rather than to see it transferred to any other power. *If any foreign connection is to be formed, the geographical position of these islands indicates that it should be with us.* Our commerce with them far exceeds that of all other countries; our citizens are embarked in the most important business concerns of that country, and some of them hold important public positions. *In view of the large American interests there established and the intimate commercial relations existing at this time, it might be well regarded as the duty of this Government to prevent these islands from becoming the appendage of any other foreign power.*

It appears by your dispatches lately received at this Department that the ruling authorities of the Hawaiian Government have been convinced of their inability to sustain themselves any longer as an independent State, and are prepared to throw themselves upon our protection or to seek incorporation into our political system. Fears are entertained by those who favor such a measure that if the United States should manifest a disinclination to receive the proffered sovereignty of this country, the people would seek elsewhere a less desirable connection or be given over to anarchy.

The information contained in your last dispatch, No. 10, dated the 7th of February, renders it highly probable that the ruling powers of that Government will have presented to you, as our diplomatic agent, an offer of the sovereignty of their country to the United States. The President has deemed it proper that you should be furnished with instructions for the guidance of your conduct in such an emergency. *With this dispatch you will be furnished with a full power to treat with the present authorities of the Hawaiian Government for the transfer of the Sandwich Islands to the United States.* This can only be done by a convention or treaty, which will not be valid until it is ratified by the Senate of the United States.

PROTECTORATE DISAPPROVED.

No intimation has ever been given to this Government as to the terms or conditions which will be likely to be annexed to the tender of the sovereignty. It is presumed, however, that something more than a mere protectorate is contemplated. *A protectorate tendered to and accepted by the United States would not change the sovereignty of the country. In that case this Government would take upon itself heavy and responsible duties for which it could hardly expect compensating advantages.*

I understand that the measure proposed by the people, and that in which the present rulers are disposed to concur, is "annexation" as distinguished from protection; and that it is their intention that these islands shall become a part of our territories and be under the control of this Government as fully as any other of its territorial possessions. In any convention you may make it is expected that the rights to be acquired by the United States should be clearly defined.

Should the sovereignty of these islands be transferred to the United States, the present Government would, as a matter of course, be superseded, or, at least, be subjected to the Federal authority of this country.

Annuities to the amount of \$100,000 per annum were authorized to be paid to the King and chiefs. (Vol. 2, Rep. Sen. Com. on For. Rel. concerning Hawaii, p. 929.)

Discussion of terms of annexation.

On January 31, 1855, Secretary Marcy wrote to Mr. Gregg that the President did not approve of Hawaii immediately becoming a State, but thought it should come in as a Territory. (Vol. 2, Rep. Sen. Com. on For. Rel. concerning Hawaiian Islands, p. 941.)

WILLIAM H. SEWARD.

Annexation overtures to be confidentially received.

/ In reply to a dispatch from U. S. Minister McCook, suggesting the possibility of the annexation of Hawaii, Secretary Seward wrote to him, July 13, 1867:

You are at liberty to sound the proper authority on the large subject mentioned in your note (annexation) and ascertain probable conditions. You may confidentially receive overtures and communicate the same to me.

I will act upon your suggestion in that relation in regard to a party now here. (The Hawaiian Minister at Washington.) (Vol. 2, Rep. Sen. Com. on For. Rel. concerning Hawaiian Islands, p. 948.)

Annexation deemed desirable by U. S. Government.

In a dispatch to U. S. Minister McCook at Honolulu, of September 12, 1867, Secretary Seward says:

Circumstances have transpired here which induce a belief that a strong interest, based upon a desire for annexation of the Sandwich Islands, will be active in opposing a ratification of the reciprocity treaty. It will be argued that the reciprocity will tend to hinder and defeat *an early annexation*, to which the people of the Sandwich Islands are supposed to be now strongly inclined. * * *

Second. You will be governed in all your proceedings by a proper respect and courtesy to the Government and people of the Sandwich Islands; but it is proper that you should know, for your own information, that *a lawful and peaceful annexation of the islands to the United States, with the consent of the people of the Sandwich Islands, is deemed desirable by this Government; and that if the policy of annexation should really conflict with the policy of reciprocity, annexation is in every case to be preferred.* (Vol. 2, Rep. Sen. Com. on For. Rel. concerning Hawaiian Islands, p. 951.)

HAMILTON FISH.

Control of Hawaii discussed.

In a dispatch from Secretary Fish to the American Minister at Honolulu, March 25, 1873, the following occurs:

The position of the Sandwich Islands as an outpost *fronting and commanding the whole of our possessions on the Pacific Ocean*, gives to the future of those islands a peculiar interest to the Government and people of the United States. It is very clear that this Government cannot be expected to assent to their transfer from their present control to that of any powerful maritime or commercial nation.

MILITARY SURVEILLANCE BY BERMUDA MUST NOT BE REPEATED IN THE PACIFIC.

Such transfer to a maritime power would threaten a military surveillance in the Pacific similar to that which Bermuda has afforded in the Atlantic—the latter has been submitted to from necessity, inasmuch as it was congenial with our Government—but we desire no additional similar outposts in the hands of those who may at some future time use them to our disadvantage.

CONSIDERATION OF HAWAII'S FUTURE FORCED ON UNITED STATES.

The condition of the Government of Hawaii and its evident tendency to decay and dissolution force upon us the earnest consideration of its future—possibly its near future.

There seems to be a strong desire on the part of many persons in the islands, representing large interest and great wealth, to become annexed to the United States. *And while there are, as I have already said, many and influential persons in this country who question the policy of any insular acquisitions, perhaps even of any extension of territorial limits,*

POLICY OF WISE FORESIGHT TO ACQUIRE HAWAII.

there are also those of influence and of wise foresight who see a future that must extend the jurisdiction and the limits of this nation, and that will require a resting spot in mid-ocean,

between the Pacific coast and the vast domains of Asia, which are now opening to commerce and Christian civilization. (Vol. 2, Rep. Sen. Com. on For. Rel. concerning Hawaiian Islands, p. 827.)

JAMES G. BLAINE.

Hawaii the key of the American Pacific.

In 1881, the British Government having made certain demands upon the Hawaiian Government, arising out of the reciprocity treaty with the United States, negotiated in 1876, Mr. Blaine, in a dispatch dated December 1, 1881, to U. S. Minister Comly, at Honolulu, used the following language:

This Government firmly believes that *the position of the Hawaiian Islands as the key to the dominion of the American Pacific* demands their benevolent neutrality, to which end it will earnestly cooperate with the native Government. And if, through any cause, the maintenance of such a position of benevolent neutrality should be found by Hawaii to be impracticable,

AN AVOWEDLY AMERICAN SOLUTION.

this Government would then unhesitatingly meet the altered situation by seeking an avowedly American solution for the grave issues presented. (Vol. 2, Rep. Sen. Com. on For. Rel. concerning Hawaiian Islands, p. 831.)

In a further dispatch he said:

The Government of the United States * * * has always avowed and now repeats that under no circumstances will it permit the transfer of the territory or sovereignty of these islands to any of the great European powers. It is needless to restate the reasons upon which that determination rests. It is too obvious for argument that the possession of these islands by a great maritime power would not only be a dangerous diminution of the just and necessary influence of the United States in the waters of the Pacific, but in the case of international difficulty it would be a positive threat to interests too large and important to be lightly risked.

Hawaii's relations to the United States.

In a confidential dispatch to U. S. Minister Comly, at Honolulu, December 1, 1881, Mr. Blaine says:

EARLY EXTINCTION OF NATIVES—TRANSFER OF POWER TO OTHERS.

In my formal instruction of this date I have reviewed the general question of the relationship between the United States and the Hawaiian Islands, and the position of the latter, both as an integral part of the American system and as the key to the commerce of the North Pacific. As that instruction was written for communication to the Hawaiian secretary of state, I touched but lightly on the essential question of the gradual and seemingly inevitable decadence and extinction of the native race and its replacement by another, to which the powers of government would necessarily descend.

A single glance at the census returns of Hawaii for half a generation past exhibits this alarming diminution of the indigenous element, amounting to $1\frac{1}{2}$ per cent per annum of the population. Meanwhile, the industrial and productive development of Hawaii is on the increase, and the native classes, never sufficiently numerous to develop the full resources of the islands, have been supplemented by an adventitious labor element, from China mainly, until the rice and sugar fields are largely tilled by aliens. *The worst of this state of things* is that it must inevitably keep on in increasing ratio, the native classes growing smaller, the insular production larger, and the immigration to supply the want of labor greater every year.

HAWAII COMMERCIALLY A DISTRICT OF CALIFORNIA.

I have shown in a previous instruction how entirely Hawaii is a part of the productive and commercial system of the American States. So far as the staple growths and imports of the islands go, *the reciprocity treaty makes them practically members of an American Zollverein, an outlying district of the State of California.* So far as political structure and independence of action are concerned, Hawaii is as remote from our control as China.

PERPETUITY OF NATIVES BASIS OF INDEPENDENCE.

This contradiction is only explicable by assuming what is the fact, that thirty years ago, having the choice between material annexation and commercial assimilation of the islands, the United States chose the less responsible alternative. The soundness of the choice, however, entirely depends on the perpetuity of the rule of the native race as an independent Government, and that imperiled, the whole framework of our relations to Hawaii is changed, if not destroyed.

The decline of the native Hawaiian element in the presence of newer and sturdier growths must be accepted as an inevitable fact, in view of the teachings of ethnological history. And *as retrogression in the development of the islands can not be admitted without serious detriment to American interests in the North Pacific*, the problem of a replenishment of the vital forces of Hawaii presents itself for intelligent solution in an American sense—not in an Asiatic or a British sense.

ANNEXATION WOULD CAUSE AMERICAN COLONIZATION.

There is little doubt that were the Hawaiian Islands, by annexation or district protection, a part of the territory of the Union, their fertile resources for the growth of rice and sugar would not only be controlled by American capital, but so profitable a field of labor would attract intelligent workers thither from the United States.

Throughout the continent, north and south, wherever a foothold is found for American enterprise, it is quickly occupied, and this spirit of adventure, which seeks its outlet in the mines of South America and the railroads of Mexico, would not be slow to avail itself of openings for assured and profitable enterprise even in mid-ocean. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 977.)

THOMAS F. BAYARD.

The reciprocity treaty with Hawaii was negotiated in 1875 under Secretary Fish. An extension of the treaty was negotiated by Secretary Frelinghuysen, and finally carried into effect under Thos. F. Bayard, Secretary of State in Mr. Cleveland's first Administration. In an interview published in the Philadelphia Ledger, February 1, 1897, Mr. Bayard discusses the objects and intent of these treaties. Among other things he states that he was "greatly impressed with the special advantages which our exclusive rights in the islands gave us, and would have preferred to extend the period of its duration, so that our commercial interests there would have ample time to develop, and American control of the islands, in a perfectly natural and legitimate way, would be assured by the normal growth of mercantile and political relations." He further states that the British minister requested that the United States join England and Germany in a guaranty of the neutrality of Hawaii, which Mr. Bayard declined to do, February 15, 1888. Continuing, Mr. Bayard says:

I held that there could be no comparison between our rights in the Hawaiian Islands, as secured by the treaties of 1875 and 1887, with those of other nations, and I would not consent that the United States should be put upon an equality with them. * * * *We had an interest in Hawaii that no other country could have. A political union would logically and naturally follow, in course of time, the commercial union and dependence which were thus assured.* * * * *It was my idea that the policy originating in the Fish treaty of the Grant Administration in 1875 should be permitted to work out its proper results. The obvious course was to wait quietly and patiently and let the islands fill up with American planters and American industries until they should be wholly identified in business interests and political sympathies with the United States. It was simply a matter of waiting until the apple should ripen and fall. Unfortunately, nothing was done by Congress in pursuance of this easy, legitimate, and perfectly feasible process of acquisition.* * * *

JOHN W. FOSTER.

Secretary of State Foster made a report accompanying the treaty of annexation negotiated by him February 15, 1893, in which he says:

The policy of the United States has been consistently and constantly declared against any foreign aggression in Hawaii inimical to the necessarily paramount rights and interests of the American people there, and the uniform contemplation

of their annexation as a contingent necessity. But beyond that it is shown that annexation has been on more than one occasion avowed as a policy and attempted as a fact. (Ib., vol. 1, p. 136.)

Duty of the United States to annex.

In an address to the National Geographic Society, March 26, 1897, Mr. Foster said:

It is, in my opinion, the plain duty of the United States to annex Hawaii to its territory. And in a matter which involves the interests and destiny of a great nation of 70,000,000 people no mere technical questions of procedure should be allowed to embarrass our action. * * *

ANNEXATION PRESENTS NO DIFFICULTIES—PROTECTORATE IMPRACTICABLE.

To my mind annexation presents no political or administrative difficulties. * * * I do regard the suggestion of a protectorate as practicable. We can not assume it without becoming responsible for the government of the islands and we should not become responsible for the government unless we can * * * control its management. Such a system would bring no end of complications with foreign powers and in domestic affairs.

EITHER ANNEX OR LET ALONE.

We must either annex the islands or leave them free to make such other alliance as they may choose or as destiny may determine.

JOHN SHERMAN.

Report accompanying annexation treaty of 1897.

Secretary of State Sherman made a report to the President accompanying the treaty of annexation negotiated by him June 15, 1897, as follows:

The President:

The undersigned, Secretary of State, has the honor to lay before the President for submission to the Senate, should it be deemed for the public interests to do so, a treaty signed in the city of Washington on the 16th instant by the undersigned and by the duly empowered representatives of the Republic of Hawaii, whereby the islands constituting the said Republic and all their dependencies are fully and absolutely ceded to the United States of America forever.

It does not seem necessary to the present purpose of the undersigned to review the incidents of 1893, when a similar treaty of cession was signed on February 14 and submitted to the Senate, being subsequently withdrawn by the President on the 9th of March following. The negotiation which has culminated in the treaty now submitted has not been a mere resumption of the negotiation of 1893, but was initiated and has been conducted upon independent lines. Then an abrupt revolutionary movement had brought about the dethronement of the queen and set up instead of the heretofore titular monarchy a provisional government for the control and management of public affairs and the protection of the public peace, such government to exist only until terms of union with the United States should have been negotiated and agreed upon. Thus self-constituted, its promoters claimed for it only a de facto existence until the purpose of annexation in which it took rise should be accomplished.

REPUBLIC EVOLVED FROM PROVISIONAL GOVERNMENT.

As time passed and the plan of union with the United States became an uncertain contingency the organization of the Hawaiian commonwealth underwent necessary changes. The temporary character of its first government gave place to a permanent scheme under a constitution framed by the representatives of the electors of the islands, and the government, administered by an executive council, not chosen by suffrage but self appointed, was succeeded by an elective and parliamentary régime, and the ability of the new government to hold—as the Republic of Hawaii—an independent place in the family of sovereign States, preserving order at home and fulfilling international obligations abroad, has been put to the proof.

REPUBLIC OF HAWAII A RECOGNIZED SOVEREIGN STATE.

Recognized by the powers of the earth, sending and receiving envoys, enforcing respect for the law, and maintaining peace within its island borders, Hawaii sends to the United States not a commission representing a successful revolution, but the accredited plenipotentiary of a constituted and firmly established sovereign State. However sufficient may have been the authority of the commissioners with whom the United States Government treated in 1893, and however satisfied the President may then have been of their power to offer the domain of the Hawaiian Islands to the United States, the fact remains that what they then tendered was a territory rather than an established government, a country whose administration had been cast down by a bloodless but complete revolution, and a community in a state of political transition.

HAWAIIAN CONSTITUTION AUTHORIZES ANNEXATION.

Now, however, the Republic of Hawaii approaches the United States as an equal, and points for its authority to that provision of article 32 of the constitution promulgated July 24, 1894, whereby the President, with the approval of the cabinet, is expressly authorized and empowered to make a treaty of political or commercial union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate.

SIMPLE COMMERCIAL UNION IMPRACTICABLE.

The present negotiation is, therefore, as has been said, not a mere renewal of the tender of Hawaiian territory made in 1893, but has responded to the purpose declared in the Hawaiian constitution, and the conferences of the plenipotentiaries have been directed to weighing the advantages of the political and the commercial union alternately proposed and relatively considering the scope and extent thereof.

It soon appeared to the negotiators that a purely commercial union on the lines of the German zollverein could not satisfy the problems of the administration in Hawaii and of the political associations between the islands and the United States. Such a commercial union would on the one hand deprive the Hawaiian Government of its chief source of revenue from customs duties by placing its territory in a relation of free exchange with the territory of the United States, its main market of purchase and supply, while on the other hand it would entail upon Hawaii the maintenance of an internal-revenue system on a par with that of the United States, or else involve the organization of a corresponding branch of our revenue service within a foreign jurisdiction.

We have had with Hawaii since 1875 a treaty of commercial union, which practically assimilates the two territories with regard to many of their most important productions, and excludes other nations from enjoyment of its privileges, yet, although that treaty has outlived other less favored reciprocity schemes, its permanency has at times been gravely imperiled. Under such circumstances, to enter upon the radical experiment of a complete commercial union between Hawaii and the United States as independently sovereign states, without assurances of permanency and with perpetual subjection to the vicissitudes of public sentiment in the two countries, was not to be thought of.

POLITICAL PROTECTORATE IMPRACTICABLE.

Turning then to the various practical forms of the political union, the several phases of a protectorate, an offensive and defensive alliance, and a national guaranty were passed in review. In all of these the independence of the subordinated state is the distinguishing feature, and with it the assumption by the paramount state of responsibility without domain. This disparity of the relative interests and the distance separating the two countries could not fail to render any form of protective association either unduly burdensome or illusory in its benefits, so far as the protecting state is concerned, while any attempt to counteract this by tributary dependence or a measure of suzerain control would be a retrograde movement toward a feudal or colonial establishment alike inexpedient and incompatible with our national policy.

ANNEXATION ONLY SATISFACTORY SOLUTION.

There remained, therefore, the annexation of the islands and their complete absorption into the political system of the United States as the only solution satisfying all the given conditions and promising permanency and mutual benefit. The present treaty has been framed on that basis, thus substantially reverting to the

original proposal of 1893, and necessarily adopting many of the features of that arrangement. As to most of these the negotiators have been constrained and limited by the constitutional powers of the Government of the United States.

ORGANIC PROVISIONS OF GOVERNMENT RESERVED FOR ACTION OF CONGRESS.

As in previous instances when the United States has acquired territory by treaty, it has been necessary to preserve all the organic provisions for the action of Congress. If this was requisite in the case of the transfer to the United States of a part of the domain of a titular sovereign, as in the cession of Louisiana by France, of Florida by Spain, or of Alaska by Russia, it is the more requisite when the act is not cession, but union, involving the complete incorporation of an alien sovereignty into the body politic of the United States.

For this the only precedent of our political history is found in the uncompleted treaty concluded during President Grant's Administration, November 29, 1869, for the annexation of the Dominican Republic to the United States.

Following that example, the treaty now signed by the plenipotentiaries of the United States and the Republic of Hawaii reserves to the Congress of the United States the determination of all questions affecting the form of government of the annexed territory, the citizenship and elective franchise of its inhabitants, and the manner in which the laws of the United States are to be extended to the islands.

HAWAIIAN TREATIES ABROGATED.

In order that this independence of the Congress shall be complete and unquestionable, and pursuant to the recognized doctrine of public law, that treaties expire with the independent life of the contracting state, there has been introduced, out of abundant caution, an express proviso for the determination of all treaties heretofore concluded by Hawaii with foreign nations, and the extension to the islands of the treaties of the United States.

This leaves Congress free to deal with such especial regulation of the contract labor system of the islands as circumstances may require. There being no general provision of existing statutes to prescribe the form of government for newly incorporated territory, it was necessary to stipulate, as in the Dominican precedent, for continuing the existing machinery of the government and laws in the Hawaiian Islands until provision shall be made by law for the government, as a territory of the United States, of the domain thus incorporated into the Union; but having in view the peculiar status created in Hawaii by laws enacted in execution of treaties heretofore concluded between Hawaii and other countries, only such Hawaiian laws are thus provisionally continued as shall not be incompatible with the Constitution or the laws of the United States or with the provisions of this treaty.

PROHIBITION OF CHINESE IMMIGRATION.

It will be noticed that express stipulation is made prohibiting the coming of Chinese laborers from the Hawaiian Islands to any other part of our national territory. This provision was proper and necessary in view of the Chinese exclusion acts, and it behooved the negotiators to see to it that this treaty, which in turn is to become, in due constitutional course, a supreme law of the land, shall not alter or amend existing law in this most important regard.

JOHN SHERMAN.

DEPARTMENT OF STATE, *Washington, June 15, 1897.*

OPINIONS OF AMERICAN MINISTERS AT HONOLULU, LONDON, AND PARIS CONCERNING THE CONTROL OR ANNEXATION OF HAWAII.

EDWARD EVERETT.

English seizure of Hawaii prevented French occupation.

Edward Everett, U. S. minister at London, sent a dispatch to the U. S. State Department relating to the seizure of Hawaii by the English and their subsequent restoration thereof. In the course of the dispatch he says:

There is now reason to think that the occupation of the islands by Lord George Paulet was a fortunate event, inasmuch as it prevented them from being taken possession of by a French squadron, which (it is said) was on its way for that purpose. Had France got possession of the islands she would certainly have retained them.

ENGLAND'S RECOGNITION OF HAWAII DUE TO IGNORANCE OF SEIZURE.

Had intelligence been received here of Lord George Paulet's occupation of them before her promise was given to recognize them, England, I think, would not have given them up. As it is, an understanding between the great European powers, amounting, in effect if not in form, to a guaranty of their independence, is likely to take place. *This is the only state of things with which the United States could be content. As it will be brought about without involving us in any compacts with other powers,* * * * (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 926.)

J. TURRILL.

Protest against French aggression.

On August 18, 1849, the French admiral Tromelin made demand for settlement of certain alleged grievances against the Hawaiian Government, with a threat to use force if not complied with.

Mr. Turrill, U. S. consul at Honolulu, thereupon addressed a communication to him, in which he used the following language:

The demands which have been made upon this Government are, in my judgment, in direct opposition to the plain provisions of the treaty, and the enforcing them in the manner indicated would be a palpable violation of the law of nations.

As the course you have advised me that circumstances may induce you to pursue must of necessity seriously affect the great American interests connected with these islands, it becomes my imperative duty, as a representative of the United States, to interpose my solemn protest against it, which I now do, and I shall lose no time in communicating to the President of the United States the facts and circumstances attending this case. (Vol. 2, Rep. Sen. Com. on For. Rel. concerning Hawaiian Islands, p. 884.)

French admiral replies, none of United States' business.

To this Admiral Tromelin replied, expressing surprise at the communication received, saying:

The policy of the American Government made it your duty to not interfere officially in our affairs with the Administration of His Majesty Kamehameha III, for you know as well as I do that the United States of America has made it to themselves a law of not mixing ever in the affairs of other nations, and especially those of France. (*Ibid.*, p. 884.)

French action injurious to American interests.

To this Mr. Turrill replied:

You are right in supposing it not to be the policy of the United States to mix in the affairs of other nations. But when a case like the one under consideration occurs, and I clearly see that the course military power is to take against this weak nation must greatly injure my countrymen and seriously embarrass the extensive American commerce connected with these islands, it becomes my duty so far to interfere officially as to interpose my protest; and in doing so I doubt not my course will meet the entire approbation of the President of the United States. (*Ibid.*, p. 885.)

LUTHER SEVERANCE.

Provisional cession of Hawaii to United States.

The French aggressions in Honolulu being renewed in 1851, the King, on the 10th day of March, 1851, executed a document reciting his inability to withstand the aggressions of the French, and placing the country—under the protection and safeguard of the United States of America until some arrangements can be made to place our said relations with France upon a footing compatible with my rights as an independent sovereign, * * * or, if such arrangements be found impracticable, then it is our wish and pleasure that the protection aforesaid under the United States of America be perpetual.

And we further proclaim as aforesaid that from the date of publication hereof the flag of the United States of America shall be hoisted above the national ensign on all our forts and places and vessels navigating with Hawaiian registers.

This was delivered to U. S. Minister Severance. (Vol. 2, Rep. Sen. Com. on For. Rel. concerning Hawaiian Islands, p. 897.)

Annexation desired by Hawaii.

In a dispatch from Mr. Severance to Secretary of State Webster, dated March 11th, 1851, giving at length a statement concerning the situation, Mr. Severance says:

* * * The King, with the approbation of his chiefs, and I believe nearly all the principal officers of the Government, have it in contemplation to take down the Hawaiian flag and run up that of the United States. *They contemplate annexation to our Republic, and have already consulted me about it.* * * *

The popular representative body recently elected by native votes is for the most part composed of natives of the United States, and so is the executive part of the Government, as well as the judiciary, at least in the high courts. * * * *Three-fourths, at least, of the business done here is by Americans, and they already own much of the real estate.* * * * If the action of the French should precipitate a movement here, I shall be called on, perhaps, to protect the American flag. *I was indeed requested to go and see the King on Monday night, and in the presence of the council to give him assurance of protection should he raise the American flag instead of his own; but I preferred to keep away, so as to avoid all appearance of intrigue to bring about a result which, however desirable, and as many believe ultimately inevitable, must still be attended with difficulties and embarrassments.* * * *

After referring to the French and their possible further attack, he continues:

The natives look upon them as enemies, and if they come again on a like errand we shall be again appealed to for protection, and *the subject of annexation will come up again with added force.* (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, pp. 897-8.)

Referring to the document executed by the King, above referred to, Mr. Severance continues that he has not committed himself other than to say—

that if the King cedes the islands to the United States and puts up the American flag, I will do what I can to protect it for the time being, until the pleasure of my Government shall be known. Leaning upon us as they do, and sympathizing with them under aggravated wrongs and repeated insults, I could not tell them we should reject their proffered allegiance, and stand passive while they, with the American flag in their hands, should be trampled under foot by the French.

Distance no objection to annexation.

Continuing, Mr. Severance says that arrangements are being made for steam navigation with San Francisco:

With these steamers and a telegraph from San Francisco to Washington we can communicate with you in about a week; so *I hope you will not object to a political connection on account of distance.* Nor are we so far from the centripetal force of our Republic as to be in danger of being thrown off in a tangent. *We must not take the islands in virtue of the "manifest destiny" principle, but can we not accept their voluntary offer? Who has a right to forbid the banns?* (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 903.)

DAVID L. GREGG.

Treaty of annexation negotiated.

Acting under instructions from Mr. Marcy, U. S. Minister Gregg negotiated a treaty of annexation with the Hawaiian Government.

It was completed ready for signature, August 7, 1854, but before it was signed the King, Kamehameha III, died, and his successor, Kamehameha IV, declined to ratify it.

This treaty of annexation and the dispatches concerning it are to be found in Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 935.

It is hereinafter contained.

JAMES M'BRIDE.

English control would be injustice to Americans.

In a dispatch from U. S. Minister McBride, at Honolulu, to Secretary Seward, dated October 9, 1863, he sets forth the growing power of the English and the tendency of the King and Government of Hawaii to Anglicize everything in connection with the Government, and the danger that the country would come under British control.

Upon this subject he says:

It would be a flagrant injustice to American citizens, after they have labored for the good of these islands for the last forty years, after they have brought these people out of barbarism and taught them civilization, science, and religion; in a word, made them an intelligent and Christian nation, and have done all that has been done in the development of the resources of the country, and given it a worldwide popularity, to be either driven out or so treated and harassed as to make it necessary for their interests to sacrifice their property and leave, which is believed would be the case provided the English obtain greater influence with the King than they now have, which influence it is the desire of Americans here and for the interests of the American Government to avert. Some merchants and planters are contracting their business, so that they may not suffer so heavy a loss in the event of the change which seems probable at no very distant day. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 943.)

EDWARD M'COOK.

Hawaii absolutely necessary to the United States in case of war.

In a dispatch to Secretary Seward, dated September 3, 1866, U. S. Minister McCook, at Honolulu, after giving a general résumé of conditions of the islands, says:

Geographically these islands occupy the same important relative position towards the Pacific that the Bermudas do towards the Atlantic coast of the United States, a position which makes them important to the English, convenient to the French, and, *in the event of war with either of those Powers, absolutely necessary to the United States.* Destitute of both army and navy, the Hawaiian Government is without the power to resist aggression, to compel belligerents to respect the neutrality of her ports. Equally destitute of financial resources, they are without the means of indemnifying those who may suffer through their weakness.

SPIRIT OF COUNTRY WHOLLY AMERICAN AND FAVORABLE TO ANNEXATION.

The spirit of this whole people is heartily republican and thoroughly American. The King, his half-dozen half-civilized nobles, as many cabinet ministers, and the Lord Bishop of Honolulu (Staley) constitute the entire aristocratic element of the country, either in fact or in feeling. And when this dynasty ends, as end it will, probably within the next year, I am sure that if the American Government indicates the slightest desire to test in these islands the last Napoleonic conception in the way of territorial extension you will find the people here with great unanimity demanding by votes, freely expressed, *annexation to the United States.* (Rep. Sen. Com. on For. Rel., vol. 2, concerning Hawaiian Islands, p. 947.)

Annexation favored.

A reciprocity treaty was in process of negotiation between Hawaii and the United States under President Johnson, in 1867. U. S. Minister McCook, at Honolulu, June 7, 1867, writes to Secretary Seward:

Should the treaty be ratified I will feel that I have possibly accomplished all I can accomplish in my present position, and will probably wish to return to my home in Colorado unless you should favor the absolute acquisition of the Hawaiian Islands, in which event I would like to conduct the negotiations. *I think their sovereignty could be purchased from the present King, and feel sure that the people of the United States would receive such a purchase with universal acclamation.* (Rep. Sen. Com. on For. Rel., Vol. 2, concerning Hawaiian Islands, p. 947.)

HENRY A. PIERCE.

The dispatch concerning annexation which Grant submitted for confidential consideration of the Senate.

On February 25, 1871, Mr. Henry A. Pierce, then U. S. minister at Honolulu, wrote to Secretary of State Hamilton Fish a dispatch concerning annexation, which, upon reference to President Grant, was deemed by him so important that he forwarded it to the Senate, accompanied by a confidential special message recommending it to the consideration of the Senate.

The dispatch from Mr. Pierce is as follows:

Annexation ultimate destiny of Hawaii.

Impressed with the importance of the subject now presented for consideration, I beg leave to suggest the inquiry whether the period has not arrived making it proper, wise, and sagacious for the United States Government to *again consider the project of annexing the Hawaiian Islands* to the territory of the Republic. *That such is to be the political destiny of this archipelago seems a foregone conclusion in the opinion of all who have given attention to the subject in this country, the United States, England, France, and Germany.*

A majority of the aborigines, creoles, and naturalized foreigners of this country, as I am credibly informed, are favorable, even anxious, for the consummation of the measure named.

The event of the decease of the present sovereign of Hawaii, leaving no heirs or successor to the throne, and the consequent election to be made by the legislative assembly of a King, and new stirrings for a royal family, will produce a crisis in political affairs which, it is thought, will be availed of as a propitious occasion to inaugurate measures for annexation of the islands to the United States, the same to be effected as the manifest will and choice of the majority of the Hawaiian people, and through means proper, peaceful, and honorable.

It is evident, however, no steps will be taken to accomplish the object named without the proper sanction or approbation of the United States Government in approval thereof.

AMERICAN SENTIMENT IN HAWAII.

The Hawaiian people for fifty years have been under educational instruction of American missionaries and the civilizing influence of New England people, commercial and maritime. Hence they are Puritan and democratic in their ideas and tendencies, modified by a tropical climate. Their favorite songs and airs are American.

The Fifteenth Amendment to the Constitution of the United States has made the project of annexation to our Union more popular than ever, both here and in the United States.

DECREASE OF NATIVES.

The native population is fast disappearing. The number existing is now estimated at 45,000, having decreased about 15,000 since the census of 1866. The number of foreigners in addition is between 5,000 and 6,000, two-thirds of whom are from the United States, and they own more than that proportion of the foreign capital, as represented in the agriculture, commerce, navigation, and whale fisheries of the kingdom.

FOREIGNERS TO SUCCEED. IF NOT AMERICANS, WHO?

This country and sovereignty will soon be left to the possession of foreigners, "to unlin-eal hands, no sons of theirs succeeding." To what foreign nation shall these islands belong if not to the great Republic? At the present those of foreign nativities hold all the important offices of Government and control legislation, the judiciary, etc. Well disposed as the Government now is toward the United States and its resident citizens here, in course of time it may be otherwise, as was the case during our civil war.

POINTS WHICH SHOULD INFLUENCE U. S. POLICY.

I now proceed to state some points of a mere general character which should influence the United States Government in their decision of the policy of acquiring possession of this archipelago.

NECESSITY AS NAVAL DEPOT.

Their geographical position occupying, as it does, *an important central, strategical point in the North Pacific Ocean, valuable, perhaps necessary, to the United States for a naval depot and coaling station and to shelter and protect our commerce and navigation, which in this hemisphere is destined to increase enormously from our intercourse with the 500,000,000 population of China, Japan, and Australia. Humboldt predicted that the commerce on the Pacific would, in time, rival that on the Atlantic. A future generation, no doubt, will see the prophecy fulfilled.*

The immense injury inflicted on American navigation and commerce by Great Britain in the war of 1812-1814, through her possession of Bermuda and other West India Islands, as also that suffered by the English from French privateers from the Isle of France during the wars between those nations, are instances in proof of the necessity of anticipating and preventing, when we can, similar evils that may issue from these islands if held by other powers.

COMMERCIAL VALUE.

Their proximity to the Pacific States of the Union, fine climate and soil, and tropical productions of sugar, coffee, rice, fruits, hides, goatskins, salt, cotton, fine wool, etc., required by the West, in exchange for flour, grain, lumber, shooks, and manufactures of cotton, wool, iron, and other articles, are evidence of the commercial value of one to the other region.

EUROPEAN POWERS MAY SEIZE IN TIME OF WAR.

Is it probable that any European power who may hereafter be at war with the United States will refrain from taking possession of this weak Kingdom, in view of the great injury that could be done to our commerce through their acquisition of them?

PALMERSTON'S VIEW OF DESTINY OF HAWAII.

Prince Alexander and Lott Kamehameha (the former subsequently became the fourth Hawaiian King and the latter the fifth) and Dr. G. P. Judd, my informant, visited England in 1850 as Hawaiian commissioners.

Lord Palmerston, at their interview with him, said, in substance, "that the British Government desired the Hawaiian people to maintain proper government and preserve national independence. If they were unable to do so he recommended receiving a protectorate government under the United States or by becoming an integral part of that nation. Such," he thought, "was the destiny of the Hawaiian Islands, arising from their proximity to the States of California and Oregon and natural dependence on those markets for exports and imports, together with probable extinction of the Hawaiian aboriginal population and its substitution by immigration from the United States." That advice seems sound and prophetic.

HISTORICAL FOREIGN AGGRESSIONS.

The following historical events in relation to these islands are thought worthy of revival in recollection:

February 25, 1843.—Lord George Paulet, of Her Britannic Majesty's ship *Carysfort*, obtained, by forceful measures, cession of the Hawaiian Islands to the Government of Great Britain July 31, 1843. They were restored to their original sovereignty by the British Admiral Thomas.

November 28, 1843.—Joint convention of the English and French Governments, which acknowledged the independence of this archipelago and reciprocally promised

never to take possession of any part of same. The United States Government was invited to be a party to the above, but declined.

August, 1849.—Admiral Tromelin, with a French naval force, after making demands on the Hawaiian Government impossible to be complied with, took unresisted possession of the fort and Government buildings in Honolulu and blockaded the harbor. After a few weeks' occupation of the place the French departed, leaving political affairs as they were previous to their arrival.

January, 1851.—A French naval force again appeared at Honolulu and threatened bombardment and destruction of the town.

DEED OF CESSION TO UNITED STATES.

The King, Kamehameha III, with the Government, fearing it would be carried into effect, and in mortal dread of being brought under French rule similar to that placed by the latter over Tahiti, of the Society Islands, executed a deed of cession of all the Hawaiian Islands and their sovereignty forever in favor of the United States of America. * * * (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 825.)

Annexation under discussion in Hawaii.

In a dispatch to Secretary of State Hamilton Fish, February 17, 1873, U. S. Minister Henry A. Pierce, at Honolulu, writes as follows:

Annexation of these islands to the United States and a reciprocity treaty between the two countries are the two important topics of conversation and warm discussion among Government officials and foreign residents.

A large majority of the latter favor the first-named project, while the former advocate reciprocity. All are convinced, however, that some measure should be taken by the Hawaiian Government to effectually stay the decline in the prosperity of the country, evidenced in decreasing exports, revenue, population, whale fishery, and an increasing public debt.

OVERTHROW OF GOVERNMENT, ESTABLISHMENT OF REPUBLIC, AND ANNEXATION FORESHADOWED.

Annexation of the islands to the United States will never, in my opinion, be adopted or presented as a Government measure, however much the people as a whole may desire it. The glitter of the crown, love of power, and emoluments of office have too many attractions to prevent it. Should the great interests of the country, however, demand that "annexation" shall be attempted, the planters, merchants, and foreigners generally will induce the people to overthrow the Government, establish a republic, and then ask the United States for admittance into its Union. My opinion has recently been frequently asked in regard to probable success of the two measures proposed. I have said that if annexation or a reciprocity treaty is proposed on the part of Hawaii to the United States, that the subject will in either case be profoundly considered and decided upon.

KING WILLING TO SELL OUT.

Those favoring the former measure think it can be carried if the King's consent thereto is first obtained (and endeavors will be made to that end), provided the United States will, for and in consideration of said cession, pension off His Majesty and all the chiefs of royal blood with the aggregate sum per annum of \$125,000, and pay off the Hawaiian national debt, now amounting to about \$250,000, and bestow upon the cause and for the benefit of education, public schools, and the nation's hospitals (three of the latter in number) the proprietorship and revenues of the crown and public lands. The value of said lands is at present estimated at about \$1,000,000. It includes, however, the public buildings, waterworks, wharf property, fish ponds, etc. The income of the crown lands, now inuring to the sovereign, amounts to about \$25,000 per annum. The public, or Government, waterworks give about \$15,000 per annum, wharf property about the same, notwithstanding the free use of them granted to steamship lines.

U. S. GOVERNMENT SHOULD DECLARE ITS POLICY.

Many persons are lukewarm on the subject of annexation to the United States solely for the reason that they fear repulse by the United States Government. I think the latter should declare its policy and object in regard to this important subject. This nation is

bewildered and suffering to some degree, not knowing how to shape its own policy in connection with its hopes and expectations in regard to the United States. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 961.)

The Kalakaua election riot.

In a dispatch to Secretary of State Hamilton Fish, U. S. Minister Pierce describes the riot in Honolulu at the time of and consequent upon the election of Kalakaua as King, which was suppressed by United States troops.

American war vessels should always be maintained at Honolulu.

He concludes:

Hereafter a United States vessel of war should always be stationed at these islands under a system of reliefs. *A time may arrive when the United States Government will find it necessary, for the interests of our nation and its resident citizens here, to take possession of this country by military occupation.* (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 970.)

Reciprocity urged to bind Hawaii to the United States.

Mr. Pierce, to Secretary Fish, urges the negotiation of a treaty of reciprocity between the two countries, and concludes:

In view of the best interests of the United States in their relations with these islands, I take the liberty to express the hope that a liberal commercial treaty may soon be inaugurated by the two countries, feeling confident that such act would result to the equal benefit of both nations in a pecuniary sense, and, moreover, *be the means of binding this archipelago to the United States by the chains of self-interest, never to be severed.* (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 971.)

JOHN L. STEVENS.

Increase of annexation sentiment in Hawaii.

U. S. Minister John L. Stevens, at Honolulu, on February 8, 1892, says in a dispatch to Secretary of State Blaine, after describing the situation in Honolulu:

There are increasing indications that the annexation sentiment is growing among the business men as well as with the less responsible of the foreign and native population of the island. The present political situation is feverish, and I see no prospect of its being permanently otherwise until these islands become a part of the American Union or a possession of Great Britain. The intelligent and responsible men here, unaided by outside support, are too few in numbers to control in political affairs and to secure good government. There are indications that even the "Liberals," just beaten at the election, though composed of a majority of the popular vote, are about to declare for annexation, at least their leaders, their chief newspaper having already published editorials to this effect.

NEW DEPARTURE NECESSARY—PROTECTORATE IMPRACTICABLE—ANNEXATION ONLY
REMEDY.

At a future time, after the proposed treaty shall have been ratified, I shall deem it my official duty to give a more elaborate statement of facts and reasons why a "new departure" by the United States as to Hawaii is rapidly becoming a necessity, that a "protectorate" is impracticable, and that *annexation must be the future remedy, or else Great Britain will be furnished with circumstances and opportunity to get a hold on these islands which will cause future serious embarrassment to the United States.*

At this time there seems to be no immediate prospect of its being safe to have the harbor of Honolulu left without an American vessel of war. Last week a British gunboat arrived here, and it is said will remain here for an indefinite period. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 989.)

Revolutionary movement for annexation.

On March 8, 1892, U. S. Minister Stevens, in a dispatch to Secretary Blaine, states that there are indications of a revolutionary attempt to overthrow the Queen and establish a republic, with a view of ultimate annexation to the United States, and asks for instructions. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 990.)

NOTE.—(The revolution indicated was not by the persons who afterwards carried out the revolution of 1893, but was being gotten up by an almost exclusively native combination, under the leadership of a half-white, Wilcox. They were politically hostile to the persons organizing the successful revolution of 1893, and since 1893 have been rabid royalists.)

Superior interests in Hawaii the avowed policy of the United States.

Mr. Stevens sent a dispatch to Secretary of State Foster, November 20, 1892, in which he states:

An intelligent and impartial examination of the facts can hardly fail to lead to the conclusion that the relations and policy of the United States toward Hawaii will soon demand some change, if not the adoption of decisive measures, with the aim to secure American interests and future supremacy by encouraging Hawaiian development and aiding to promote responsible government in these islands. It is unnecessary for me to allude to the deep interest and the settled policy of the United States Government in respect to these islands, from the official days of John Quincy Adams and of Daniel Webster to the present time. In all that period we have avowed the superiority of our interests to those of all other nations, and have always refused to embarrass our freedom of action by any alliance or arrangement with other powers as to the ultimate possession and government of the islands. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 996.)

Analysis of conditions.

He then proceeds to give an analysis of the situation, referring to the commercial and naval importance of the islands, its government, existing business status, and recommends that—

EITHER ANNEXATION OR CUSTOMS UNION.

One of two courses seems to me absolutely necessary to be followed, *either bold and vigorous measures for annexation, or a "customs union,"* an ocean cable from the California coast to Honolulu, Pearl Harbor perpetually ceded to the United States, with an implied but not necessarily stipulated American protectorate over the islands.

REASONS WHY ANNEXATION PREFERABLE.

I believe the former to be the better, that which will prove much the more advantageous to the islands, and the cheapest and least embarrassing in the end for the United States. If it was wise for the United States, through Secretary Marcy, thirty-eight years ago, to offer to expend \$100,000 to secure a treaty of annexation, it certainly can not be chimerical or unwise to expend \$100,000 to secure annexation in the near future. *To-day the United States has five times the wealth she possessed in 1854, and the reasons now existing for annexation are much stronger than they were then.* * * * A perpetual customs union and the acquisition of Pearl Harbor, with an implied protectorate, must be regarded as the only allowable alternative. This would require the continual presence in the harbor of Honolulu of a United States vessel of war and the constant watchfulness of the United States minister while the present bungling, unsettled, and expensive political rule would go on, retarding the development of the islands, leaving at the end of twenty-five years more embarrassment to annexation than exists to-day, the property far less valuable, and the population less American than they would be if annexation were soon realized. * * *

OBJECTIONS TO CUSTOMS UNION.

To give Hawaii a highly favorable treaty while she remains outside the American Union would necessarily give the same advantages to hostile foreigners, those who would continue to antagonize our commercial and political interests here as well as

those of American blood and sympathies. * * * Besides, so long as the islands retain their own independent government there remains the possibility that England or the Canadian Dominion might secure one of the Hawaiian harbors for a coaling station. Annexation excludes all dangers of this kind.

DECISION SHOULD BE MADE AS TO WHICH POLICY TO FOLLOW.

Which of the two lines of policy and action shall be adopted our statesmen and our Government must decide. *Certain it is that the interests of the United States and the welfare of these islands will not permit the continuance of the existing state and tendency of things.* Having for so many years extended a helping hand to the islands and encouraging the American residents and their friends at home to the extent we have, we cannot refrain now from aiding them with vigorous measures, without injury to ourselves and those of our "kith and kin," and without neglecting American opportunities that never seemed so obvious and pressing as they do now. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, pp. 1002-3.)

OPINIONS OF U. S. MILITARY AND NAVAL OFFICERS CONCERNING THE CONTROL OR ANNEXATION OF HAWAII.

GEN. J. M. SCHOFIELD AND GEN. B. S. ALEXANDER.

Report on defensive capabilities of Hawaii in case of war.

On June 24, 1872, Secretary of War Wm. W. Belknap issued confidential instructions to Generals Schofield and Alexander to go to Honolulu and investigate its defensive capabilities in the event of war between the United States and some other maritime nation.

Their report is lengthy and contains the following:

* * * We ascertained from the officers of the U. S. Navy, from maps, and from seafaring men that Honolulu is the only good commercial harbor in the whole group of the Sandwich Islands.

An enemy could take up his position outside of the entrance to the harbor and command the entire anchorage, as well as the town of Honolulu itself. *This harbor would, therefore, be of no use to us as a harbor of refuge in a war with a powerful maritime nation.*

PEARL RIVER ONLY HARBOR THAT CAN BE PROTECTED IN TIME OF WAR.

With one exception, there is no harbor on the islands that can be made to satisfy all the conditions necessary for a harbor of refuge in time of war. This is the harbor of Ewa, or Pearl River, situated on the island of Oahu, about 7 miles west of Honolulu.

Pearl River is a fine sheet of deep water extending inland about six miles from its mouth, where it could be completely defended by shore batteries. The depth of water after passing the bar is ample for any vessel.

Pearl River is not a true river; it partakes more of the character of an estuary. It is divided into three portions called "locks"—the east lock, the middle lock, and the west lock, the three together affording some 30 miles of water front, with deep water in the channels. * * *

EASILY DEFENDED—WATER—LAND—PROVISIONS.

If the coral barrier were removed, Pearl River Harbor would seem to have all, or nearly all, the necessary properties to enable it to be converted into a good harbor of refuge. It could be completely defended by inexpensive batteries on either or both shores, firing across a narrow channel of entrance. Its waters are deep enough for the largest vessels of war, and its locks, particularly around Rabbitt Island, are spacious enough for a large number of vessels to ride at anchor in perfect security against all storms. Its shores are suitable for building proper establishments for sheltering the necessary supplies for a naval establishment, such as magazines of ammunition, provisions, coal, spars, rigging, etc., while the island of Oahu, upon which it is situated, could furnish fresh provisions, meats, fruits, and vegetables in large quantities.

IF MADE A NAVAL STATION JURISDICTION SHOULD BE TRANSFERRED TO THE UNITED STATES.

In case it should become the policy of the Government of the United States to obtain the possession of this harbor for naval purposes, jurisdiction over all the waters of

Pearl River, with the adjacent shores to the distance of 4 miles from any anchorage, should be ceded to the United States by the Hawaiian Government.

This would be necessary in order to enable the Government to defend its depots and anchorages in time of war by works located on its own territory. Such a cession of jurisdiction would embrace a parallelogram of about 10 by 12 miles. * * *

ACTION MUST BE IN ADVANCE OF WAR.

It is to be observed that if the United States are ever to have a harbor of refuge and naval station in the Hawaiian Islands in the event of war, *the harbor must be prepared in advance by the removal of the Pearl River bar.*

When war has begun it will be too late to make this harbor available, and there is no other suitable harbor on these islands. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, pp. 963-6.)

GEO. BROWN.

Hawaiian sentiment in favor of annexation.

Admiral Geo. Brown, September 6, 1892, in a dispatch to Secretary of the Navy Tracy, says:

There is a strong sentiment existing in Hawaii, among the native Hawaiians as well as among the Americans and Germans, in favor of a change in the form of government, looking toward the ultimate annexation of the islands to the United States * * *

It is thought that the Queen will consent to abdicate in favor of a republican form of government if she can be assured that a suitable provision will be made for her in the way of a permanent pecuniary settlement. * * * (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 991.)

G. C. WILTSE.

Growing annexation sentiment.

Capt. G. C. Wiltse, October 12, 1892, in a dispatch to Secretary of the Navy Tracy, says:

There is a large and growing sentiment, particularly among the planters, in favor of annexation to the United States, but I am informed that the leaders do not think an opportune moment will arrive for some time to come. However, everything seems to point toward an eventual request for annexation. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 993.)

CAPTAIN A. T. MAHAN.

Favors annexation.

(*Ib.*, vol. 1, p. 113, and the Forum, Mar., 1893:)

The United States finds herself compelled to make a decision. * * * Whether we wish to or no, we *must* make the decision. * * *

To anyone viewing a map that shows the full extent of the Pacific, * * * two circumstances will be strikingly and immediately apparent. He will see at a glance that the Sandwich Islands stand by themselves in a state of comparative isolation, amid a vast expanse of sea; and again, that they form the center of a large circle whose radius is approximately the distance from Honolulu to San Francisco. * * *

This is substantially the same distance as from Honolulu to the Gilbert, Marshall, Samoan, and Society islands, all under European control except Samoa, in which we have a part influence. * * *

REMARKABLE STRATEGICAL POSITION OF HAWAII.

To have a central position such as this, and to be alone, having no rival and admitting no rival, * * * are conditions that at once fix the attention of the strategist. * * * But to this striking combination is to be added the remarkable relations borne * * * to the great commercial routes traversing this vast expanse. * * *

Too much stress cannot be laid upon the immense disadvantage to us of any maritime enemy having a coaling station well within 2,500 miles, as this is, of every

point of our coast line from Puget Sound to Mexico. Were there many others available, we might find it difficult to exclude from all. There is, however, but the one. Shut out from the Sandwich Islands as a coal base, an enemy is thrown back for supplies of fuel to distances of 3,500 or 4,000 miles—or between 7,000 and 8,000 going and coming—an impediment to sustained maritime operations well-nigh prohibitive. * * * *It is rarely that so important a factor in the attack or defence of a coast line—of a sea frontier—is concentrated in a single position, and the circumstance renders it doubly imperative upon us to secure it if we righteously can.*

STATEMENT OF GEN. SCHOFIELD.

FAILURE TO ANNEX WOULD BE A CRIME.

"I went to the Hawaiian Islands 20 years ago. The annexation question was up then. My business was to look the question over from the military point of view. I made a report that while I regarded annexation as inevitable, and but a matter of time, the conditions were not ripe for it then. * * *

"There can be no doubt now about the time for annexation, or that it should be the outcome of the present negotiations. Annexation may not be the immediate step; but it is near at hand and is a foregone conclusion, whether it is put off a little while by a protectorate or until a commission further ascertains the conditions favorable to it."

In regard to the question of suffrage, the General said there would be no trouble. If annexed, all those who are citizens now would of course become citizens of the United States. The Chinese and Japanese, who are not citizens there now, would be excluded. * * *

One thing is plain enough, the Hawaiian people must have protection from some quarter. If they cannot get it from the United States, they will have to reach out for it in some other direction. * * * *To fail those people now would be a crime.*" (N. Y. Tribune, March 15, 1893, p. 2.)

In 1875 General J. M. Schofield, then commanding the Division of the Pacific, gave his views to Congress, through Mr. Luttrell, concerning the reciprocity treaty, then pending before Congress, as follows:

The Hawaiian Islands constitute the only natural outpost to the defences of the Pacific coast. In possession of a foreign naval power, in time of war, as a depot from which to fit out hostile expeditions against this coast and our commerce on the Pacific Ocean, they would afford the means of incalculable injury to the United States. If the absolute neutrality of the islands could always be insured, that would suffice; but they have not, and never can have, the power to maintain their own neutrality, and now their necessities force them to seek alliance with some nation which can relieve their embarrassment. The British Empire * * * stands ready to enter into such an alliance, and thus complete its chain of naval stations from Australia to British Columbia. We can not refuse the islands the little aid they need and at the same time deny their right to seek it elsewhere. The time has come when we must secure forever the desired control over those islands or let it pass into other hands. The financial interest to the United States involved in this treaty is very small, and if it were much greater it would still be insignificant when compared to the importance of such a military and naval station to the national security and welfare.

ADMIRAL BELKNAP.

OVERTHROW OF MONARCHY EXPECTED.

The revolution in the Hawaiian Islands, resulting in the deposition of the Queen and the establishment of a provisional government, is an event not unexpected to diplomatic, naval, and consular officers who have had any acquaintance or familiarity with the course of affairs in that island Kingdom for the past twenty years.

ANNEXATION OF MOMENTOUS INTEREST AND VITAL IMPORTANCE.

To the people of the United States the present situation is of momentous interest and of vital importance. Indeed, it would seem that nature had established that group to be ultimately occupied as an outpost, as it were, of the great Republic on its western border, and that the time had now come for the fulfillment of such design.

A glance at a chart of the Pacific will indicate to the most casual observer the great importance and inestimable value of those islands as a strategic point and

commercial centre. Situated in mid-North Pacific, the group looks out on every hand toward grand opportunities of trade, political aggrandizement, and polyglot intercourse.

* * * * *

The group now seeks annexation to the United States. The consummation of such wish would inure to the benefit of both peoples commercially and politically. Annex the islands, constitute them a Territory, and reciprocal trade will double within ten years. Let the islanders feel that they are once and forever under the folds of the American flag, as part and parcel of the great Republic, and a development will take place in the group that will at once surprise its people and the world.

FAILURE TO ANNEX WOULD BE FOLLY.

Not to take the fruit within our grasp and annex the group now begging us to take it in would be folly indeed—a mistake of the gravest character, both for the statesmen of the day and for the men among us of high commercial aims and great enterprises.

Our statesmen should act in this matter in the spirit and resolve that secured to us the vast Louisiana purchase, the annexation of Texas, and the acquisition of California. The Administration that secures to the United States the “coign of vantage” in the possession of those beautiful islands will score a great measure of beneficent achievement to the credit side of its account.

SHOULD ANNEX EVEN AT HAZARD OF WAR.

We want no joint protectorate, no occupation there by any European power, no Pacific Egypt. We need the group as part and parcel of the United States, and should take what is offered us, even at the hazard of war.

Westward the star of empire takes its way. Let the Monroe doctrine stay not its hand until it holds Hawaii securely within its grasp.

In this matter the undersigned speaks from personal knowledge, gained through official visits to the islands in 1874 and 1882. * * * (Sen. Com. of F. R. on H., vol. 1, p. 169, and Boston Herald, January 31, 1893.)

ACTS OF THE UNITED STATES CONGRESS CONCERNING THE CONTROL OR ANNEXATION OF HAWAII.

THE GRANT RECIPROCITY TREATY, 1874.

A reciprocity treaty was negotiated by Secretary Fish under President Grant.

THE POLITICAL CLAUSE.

The vital feature of the treaty to the United States is in Article IV, which provides that so long as the treaty exists Hawaii—

will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory * * * or grant any special privilege or right of use therein to any other government * * *

nor make any reciprocity treaty with any other government.

THE PEARL RIVER CLAUSE.

A renewal of the reciprocity treaty for seven years was concluded November 9, 1887, by President Cleveland.

The extended treaty also gives the United States—

* * * The exclusive right to enter the harbor of Pearl River, in the Island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance of said harbor and do all things needful to the purpose aforesaid. (The full treaty is printed in vol. 2, Rep. Sen. Com. on For. Rel., relating to Hawaii, p. 978-9, and hereunder.)

RESOLUTION OF U. S. HOUSE OF REPRESENTATIVES.

[February 7, 1894.]

*Resolved, * * ** That foreign intervention in the political affairs of the (Hawaiian) Islands will not be regarded with indifference by the Government of the United States. (Cong. Record, 53d Cong., 2d sessn., p. 2001.)

RESOLUTION OF U. S. SENATE.

[May 31, 1894.]

*Resolved, That * * ** any intervention in the political affairs of these islands (Hawaii) by any other government will be regarded as an act unfriendly to the United States. (Cong. Record, 53d Cong., 2d sessn., p. 5499.)

REPORT OF SENATE COMMITTEE ON FOREIGN RELATIONS CONCERNING HAWAII.

The Senate Committee of Foreign Relations was, by resolution of the Senate, instructed to enquire into and report upon matters arising out of the revolution in Hawaii of January, 1893.

On February 26th, 1894, an elaborate report was filed by the chairman, Senator John T. Morgan, from which the following extracts are made:

HAWAII AN AMERICAN STATE.

Hawaii is an American State, and is embraced in the American commercial and military system.

This fact has been frequently and firmly stated by our Government, and is the ground on which is rested that peculiar and far-reaching declaration, so often and so earnestly made, that the United States will not admit the right of any foreign government to acquire any interest or control in the Hawaiian Islands that is in any way prejudicial, or even threatening, toward the interests of the United States or her people. * * * (Report Sen. Com. on For. Rel. on Hawaii, vol. 1, p. 2.)

WITHIN THE SCOPE OF THE MONROE DOCTRINE.

Observing the spirit of the Monroe doctrine, the United States, in the beginning of our relations with Hawaii, made a firm and distinct declaration of the purpose to prevent the absorption of Hawaii or the political control of that country by any foreign power.

Without stating the reasons for this policy, which included very important commercial and military considerations, the attitude of the United States toward Hawaii was, in moral effect, that of a friendly protectorate.

It has been a settled policy of the United States that if it should turn out that Hawaii, for any cause, should not be able to maintain an independent government, that country would be encouraged in its tendency to gravitate toward political union with this country. * * * (*Ib.*, p. 20.)

Annexation is a question of long standing which has been under favorable consideration by the Kings and people of Hawaii and the Government and people of the United States for more than fifty years.

It is well understood, and its importance increases with every new event of any consequence in Hawaii, and with the falling in of every island in the Pacific Ocean that is captured by the great maritime powers of Europe. * * * (*Ib.*, p. 28.)

Senators Sherman, Frye, Dolph, and Davis, of Minnesota, added to this report the following words:

We are in entire accord with the essential findings in the exceedingly able report submitted by the chairman of the Committee on Foreign Relations. But they proceed to set forth certain points wherein they differ from him and elaborate others. In this connection they say:

The question of the rightfulness of the revolution, of the lawfulness of the means by which the deposition and abdication of the Queen were effected, and the right of the Provisional Government to exist and to continue to exist was conclusively settled, as the report so forcibly states, against the Queen and in favor of the Provisional Government, by the act of the Administration of President Harrison recog-

nizing such Provisional Government; by the negotiation by that Administration with such Provisional Government of a treaty of annexation to the United States; by accrediting diplomatic representation by such Administration and by the present Administration to such Provisional Government. * * * (*Ib.*, pp. 33, 34.)

Senators Turpie and Butler, of South Carolina, added to the report the following words:

* * * I am heartily in favor of the acquisition of those islands (Hawaii) by the Government of the United States; and in the proper case and on an appropriate occasion I should earnestly advocate the same. * * * (*Ib.*, p. 36.)

OFFICIAL ACTS OF HAWAII CONCERNING THE CONTROL OR ANNEXATION OF HAWAII TO THE UNITED STATES.

CESSION OF HAWAII TO UNITED STATES.

Kamehameha III executed and delivered to the American minister in Honolulu a provisional cession of Hawaii to the United States on March 10, 1851. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaii, p. 897.)

RATIFICATION OF CESSION TO UNITED STATES.

June 21, 1851, a joint resolution was passed by the two houses of the Hawaiian Legislature, authorizing the King, in his discretion, to place the Kingdom under the protection of some foreign State. This was in confirmation of the provisional cession of the country to the United States, above quoted, which was dated the 10th of March, 1851. (Vol. 2, Rep. Sen. Com. on For. Rel., concerning Hawaiian Islands, p. 934.)

ANNEXATION TREATY NEGOTIATED.

A formal treaty annexing Hawaii to the United States was negotiated in 1854 by Kamehameha III and U. S. Minister Gregg, under the instructions of Secretary Marcy. The draft was agreed to, but the King died before the final copy was signed. (*Ib.*, pp. 932-5.)

THE RECIPROCITY TREATY.

In 1875 Hawaii made a treaty with the United States never to cede any port or territory to any other government as long as the treaty of reciprocity lasted. (The treaty is hereinafter contained.) (*Ib.*, p. 972.)

THE PEARL RIVER TREATY.

November 9, 1887, Hawaii granted to the United States the exclusive use of Pearl Harbor for a naval and repair station. (The treaty is hereinafter contained.) (*Ib.*, p. 978.)

HAWAIIAN CONSTITUTION PROVIDES FOR ANNEXATION.

The constitution of the Republic of Hawaii, adopted July 4, 1894, provides, article 32, that—

The President, with the approval of the cabinet, is hereby expressly authorized and empowered to make a treaty of political or commercial union between the Republic of Hawaii and the United States of America, subject to the ratification of the Senate. (President's message, Senate Ex. Document No. 156, p. 13, 53d Congress, 2d session.)

Hawaiian Legislature unanimously votes for annexation.

The following joint resolution was unanimously adopted by both the Senate and House of Representatives of the Legislature of the Republic of Hawaii, May 27, 1896:

Whereas it has heretofore been the announced policy both of the Provisional Government and of the Republic of Hawaii to advocate the annexation of the Hawaiian Islands to the United States of America; and

Whereas the Legislature of the Republic of Hawaii is now in regular session assembled, and will soon adjourn for a considerable period; and

Whereas it is fitting that the elected representatives of the people should place themselves on record as to the present state of feeling among themselves and their constituents on this subject;

Be it resolved by the Senate and the House of Representatives, that the Legislature of the Republic of Hawaii continues to be, as heretofore, firmly and steadfastly in favor of the annexation of the Hawaiian Islands to the United States of America, and in advocating such policy they feel assured that they are expressing not only their own sentiments but those of the voters of this Republic.

Approved this 27th day of May, A. D. 1896.

(Laws of the Rep. of Hawaii, 1896, p. 274.)

**TREATY OF ANNEXATION OF HAWAII, NEGOTIATED IN 1854,
UNDER PRESIDENT PIERCE, SECRETARY OF STATE MARCY.**

His Majesty the King of the Hawaiian Islands, being convinced that plans have been, and still are, on foot hostile to his sovereignty and to the peace of his Kingdom, which His Majesty is without power to resist, and against which it is his imperative duty to provide, in order to prevent the evils of anarchy and to secure the rights and prosperity of his subjects, and having in conscientious regard thereto, as well as to the general interests of his Kingdom, present and future, sought to incorporate his Kingdom into the Union of the United States, as the means best calculated to attain these ends and perpetuate the blessings of freedom and equal rights to himself, his chiefs, and his people; and the Government of the United States, being actuated solely by the desire to add to their security and prosperity and to meet the wishes of His Majesty the King of the Hawaiian Islands, and of his Government, have determined to accomplish by treaty objects so important to their mutual and permanent welfare.

ARTICLE I.

His Majesty the King of the Hawaiian Islands, acting in conformity with the power vested in him by the constitution of his Kingdom, and with the wishes of his chiefs and people, and of the heads of every department of his Government, cedes to the United States his Kingdom with all its territories, to be held by them in full sovereignty, subject only to the same constitutional provisions as the other States of the American Union. This cession includes all public lots and squares, Government lands, mines and minerals, salt lakes and springs, fish ponds, public edifices, fortifications, barracks, forts, ports and harbors, reefs, docks, and magazines, arms, armaments and accouterments, public archives, and funds, claims, debts, taxes and dues existing, available, and unpaid at the date of the exchange of the ratifications of this treaty.

ARTICLE II.

The Kingdom of the Hawaiian Islands shall be incorporated into the American Union as a State, enjoying the same degree of sovereignty as other States, and admitted as such as soon as it can be done in consistency with the principles and requirements of the Federal Constitution, to all the rights, privileges, and immunities of a State as aforesaid, on a perfect equality with the other States of the Union.

ARTICLE III.

His Majesty the King of the Hawaiian Islands, his chiefs and subjects of every class, shall continue in the enjoyment of all their existing personal and private rights—civil, political, and religious—to the utmost extent that is possible under the Federal Constitution, and shall possess and forever enjoy all the rights and privileges of citizens of the United States, on terms of perfect equality, in all respects, with other American citizens.

ARTICLE IV.

The decision of the board of land commissioners made and not appealed from at the date of the final ratification of this treaty shall be and remain forever valid and undisturbed, and all titles to real estate which are now or shall have then been declared valid under the laws of the Hawaiian Kingdom, shall be held to be equally valid by the United States, and measures shall be adopted by the United States for the speedy and final adjudication of all unsettled claims to land in conformity with the laws and usages under which they may have originated.

ARTICLE V.

All engagements of whatever kind affecting the rights of corporations or individuals, validly contracted and lawfully incumbent upon the King's Government or the Hawaiian Nation to pay and discharge, shall be respected and fulfilled in as prompt, full, and complete a manner as they would have been respected and fulfilled had no change of sovereignty taken place.

ARTICLE VI.

The public lands hereby ceded shall be subject to the laws regulating the public lands in other parts of the United States, liable, however, to such alterations and changes as Congress may from time to time enact. The grants of land for the promotion of education heretofore made by the Government of the King of the Hawaiian Islands shall be confirmed by the United States, which, in addition thereto, shall grant and set apart for the purposes of common schools, seminaries of learning, and universities so much of the public lands and of the proceeds thereof as may be equal proportionally to the grants for such purposes in any of the States of the Union.

ARTICLE VII.

The laws of the Hawaiian Kingdom, so far as they are compatible with republican institutions and conformable to the Constitution of the United States, shall be and remain in full force and effect until modified, changed, or repealed by the legislative authority of the State contemplated by this treaty.

ARTICLE VIII.

In consideration of the cession made by this treaty, and in compensation to all who may suffer or incur loss consequent thereon, the United States shall pay the aggregate sum of three hundred thousand dollars (\$300,000) as annuities to the King, the Queen, the crown prince, those standing next in succession to the throne, the chiefs, and all other persons whom the King may wish to compensate or reward, to be apportioned as may be determined by His Majesty the King and his privy council of state, which amounts, to be apportioned as aforesaid, shall be paid ratably without deduction or offset on any ground or in any shape whatever to the parties severally named in such apportionment at Honolulu on the first day of July of each successive year so long as they may live. It is, however, expressly agreed upon that on the demise of His present Majesty the annuity of the immediate heir to the throne shall then be increased to the same amount before allowed and paid to the King himself.

As a further consideration for the cession herein made, and in order to place within the reach of the inhabitants of the Hawaiian Islands the means of education, present and future, so as to enable them the more perfectly to enjoy and discharge the rights and duties consequent upon a change from monarchical to republican institutions, the United States agree to set apart and pay over for the term of ten years the sum of seventy-five thousand dollars per annum, one-third of which shall be applied to constitute the principal of a fund for the benefit of a college or university, or colleges or universities, as the case may be, and the balance for the support of common schools, to be invested, secured, or applied as may be determined by the legislative authority of the Hawaiian Islands, when admitted as a State into the Union, as aforesaid.

ARTICLE IX.

Immediately after the exchange of the ratifications of this treaty the President of the United States shall appoint a commissioner, who shall receive in due form, in the name of the United States, the transfer of the sovereignty and territories of the Hawaiian Islands; also all public property, archives, and other things hereinbefore stipulated to be conveyed, and who shall exercise all executive authority in said islands necessary to the preservation of peace and order, and to the proper execution of the laws, until the State contemplated in this treaty can be duly organized and admitted as such State; and until the arrival of such commissioner all departments of His Majesty's Government shall continue as now constituted.

ARTICLE X.

This treaty shall be ratified by the respective high contracting parties, and the ratifications exchanged at the city of Honolulu within eight months from the date hereof, or sooner, if possible, but it is agreed that this period may be extended by mutual consent of the two parties.

In witness whereof, we, the undersigned, plenipotentiaries of His Majesty the King of the Hawaiian Islands and of the United States of America, have signed three originals of this treaty of annexation in Hawaiian and three in English, and have hereunto affixed our respective official seals.

Done at Honolulu this — day of —, in the year of our Lord one thousand eight hundred and fifty-four.

SEPARATE AND SECRET ARTICLE.

Whereas it is desirable to guard against the exigencies declared in the preamble to the foregoing treaty, and to secure the King of the Hawaiian Islands, his chiefs, and all who reside under his jurisdiction from the dangers therein referred to and expressed, it is hereby provided and expressly agreed that at any time before the final exchange of the ratifications of said treaty, if the same shall be duly ratified on the part of His Majesty the King and satisfactory notice thereof given to the commissioner of the United States, it shall be competent for His Majesty, by proclamation, to declare his islands annexed to the American Union, subject to the provisions of such treaty as negotiated; and the commissioner of the United States, for the time being, shall receive and accept the transfer of the jurisdiction of the said islands, in the name of the United States, and protect and defend them by the armed forces of the United States, as a part of the American Union, holding the same for and in behalf of his Government and exercising the jurisdiction provided for in said treaty, with the understanding, however, that in case the said treaty is not finally ratified, or other arrangement made by the free consent and to the mutual satisfaction of the contracting parties, the sovereignty of the islands shall immediately revert, without prejudice, to His Majesty, or his immediate heir, in the same condition as before the transfer thereof; and it is further understood and agreed that this article shall be as binding for all the ends and purposes herein expressed as if it formed a part of the foregoing treaty.

RECIPROCITY TREATY OF 1875.

ARTICLE I.

For and in consideration of the rights and privileges granted by His Majesty the King of the Hawaiian Islands in the next succeeding article of this convention, and as an equivalent therefor, the United States of America hereby agree to admit all the articles named in the following schedule, the same being the growth and manufacture or produce of the Hawaiian Islands, into all the ports of the United States free of duty.

(SCHEDULE.)

* * * * *

ARTICLE II.

For and in consideration of the rights and privileges granted by the United States of America in the preceding article of this convention, and as an equivalent therefor, His Majesty the King of the Hawaiian Islands hereby agrees to admit all the articles named in the following schedule, the same being the growth, manufacture, or produce of the United States of America, into all the ports of the Hawaiian Islands free of duty.

(SCHEDULE.)

* * * * *

ARTICLE III.

The evidence that articles proposed to be admitted into the ports of the United States of America, or the ports of the Hawaiian Islands, free of duty, under the first and second articles of this convention, are the growth, manufacture, or produce of the United States of America or of the Hawaiian Islands, respectively, shall be established under such rules and regulations and conditions for the protection of the revenue as the two Governments may from time to time respectively prescribe.

ARTICLE IV.

No export duty or charges shall be imposed in the Hawaiian Islands, or in the United States, upon any of the articles proposed to be admitted into the ports of the United States or the ports of the Hawaiian Islands free of duty under the first and second articles of this convention. *It is agreed, on the part of His Hawaiian Majesty, that so long as this treaty shall remain in force he will not lease or otherwise dispose of or create any lien upon any port, harbor, or other territory in his dominions, or grant any special privilege or rights of use therein, to any other power, state, or government, nor make any treaty by which any other nation shall obtain the same privileges, relative to the admission of any articles free of duty, hereby secured to the United States.*

ARTICLE V.

The present convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of the United States, but not until a law to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given, and the ratifications of the convention having been exchanged as provided in Article VI, the convention shall remain in force for seven years from the date at which it may come into operation; and further, until the expiration of twelve months after either of the high contracting parties shall give notice to the other of its wish to terminate the same, each of the high contracting parties being at liberty to give such notice to the other at the end of the said term of seven years, or at any time thereafter.

ARTICLE VI.

The present convention shall be duly ratified, and the ratifications exchanged at Washington City, within eighteen months from the date hereof, or earlier if possible.

In faith whereof the respective plenipotentiaries of the high contracting parties have signed this present convention, and have affixed thereto their respective seals.

Done in duplicate, at Washington, the thirtieth day of January, in the year of our Lord one thousand eight hundred and seventy-five.

PEARL RIVER CLAUSE.

(On the 9th of November, 1837, the reciprocity treaty was extended for seven years and the following clause added to it:)

His Majesty the King of the Hawaiian Islands grants to the Government of the United States the exclusive right to enter the harbor of Pearl River, in the Island of Oahu, and to establish and maintain there a coaling and repair station for the use of vessels of the United States, and to that end the United States may improve the entrance to said harbor and do all other things needful to the purpose aforesaid.

**TREATY OF ANNEXATION OF HAWAII, NEGOTIATED IN 1893,
UNDER PRESIDENT HARRISON, SECRETARY OF STATE FOSTER.**

The United States of America and the Provisional Government of the Hawaiian Islands, in view of the natural dependence of those islands upon the United States, of their geographical proximity thereto, of the intimate part taken by the citizens of the United States in their implanting the seeds of Christian civilization, of the long continuance of their exclusive reciprocal commercial relations whereby their mutual interests have been developed, and the preponderant and paramount share thus acquired by the United States and the citizens in their productions, industries, and trade of the said islands, and especially in view of the desire expressed by the said Government of the Hawaiian Islands that those islands shall be incorporated into the United States as an integral part thereof and under their sovereignty, in order to provide for and assure the security and prosperity of the said islands, the high contracting parties have determined to accomplish by treaty an object so important to their mutual and permanent welfare. * * *

ARTICLE I.

The Government of the Hawaiian Islands hereby cedes, from the date of the exchange of the ratifications of this treaty, absolutely and without reserve to the United States forever all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, renouncing in favor of the United States every sovereign right of which as an independent nation it is now possessed; and henceforth said

Hawaiian Islands and every island and key thereunto appertaining and each and every portion thereof shall become and be an integral part of the territory of the United States.

ARTICLE II.

The Government of the Hawaiian Islands also cedes and transfers to the United States the absolute fee and ownership of all public, government or crown lands, public buildings or edifices, ports, harbors, fortifications, military or naval equipments and all other public property of every kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining. The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but the Congress of the United States shall enact special laws for their management and disposition: *Provided*, That all revenue from or proceeds of the same except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States or may be assigned to the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

ARTICLE III.

Until Congress shall otherwise provide, the existing government and laws of the Hawaiian Islands are hereby continued, subject to the paramount authority of the United States. The President, by and with the advice and consent of the Senate, shall appoint a commissioner to reside in said Islands who shall have the power to veto any act of said government, and any act disapproved by him shall thereupon be void and of no effect unless approved by the President.

Congress shall, within one year from the exchange of the ratifications of this treaty, enact the necessary legislation to extend to the Hawaiian Islands the laws of the United States respecting duties upon imports, the internal revenue, commerce and navigation; but until Congress shall otherwise provide, the existing commercial relations of the Hawaiian Islands both with the United States and foreign countries shall continue as regards the commerce of said islands with the rest of the United States and with foreign countries, but this shall not be construed as giving to said islands the power to enter into any new stipulation or agreement whatsoever or to have diplomatic intercourse with any foreign government. The consular representatives of foreign powers now resident in the Hawaiian Islands shall be permitted to continue in the exercise of their consular functions until they can receive their exequaturs from the Government of the United States.

ARTICLE IV.

The further immigration of Chinese laborers into the Hawaiian Islands is hereby prohibited until Congress shall otherwise provide. Furthermore, Chinese persons of the classes now or hereafter excluded by law from entering the United States will not be permitted to come from the Hawaiian Islands to other parts of the United States, and if so coming shall be subject to the same penalties as if entering from a foreign country.

ARTICLE V.

The public debt of the Hawaiian Islands, lawfully existing at the date of the exchange of the ratifications of this treaty, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States; but the liability of the United States in this regard shall in no case exceed three and one quarter millions of dollars. So long, however, as the existing Government and the present commercial relations of the Hawaiian Islands are continued as hereinbefore provided, said Government shall continue to pay the interest on said debt.

ARTICLE VI.

The Government of the United States agrees to pay to Liliuokalani, the late Queen, within one year from date of the exchange of the ratification of this treaty, the sum of twenty thousand dollars, and annually thereafter a like sum of twenty thousand dollars during the term of her natural life, provided she in good faith submits to the authority of the Government of the United States and the local Government of the islands.

And the Government of the United States further agrees to pay to the Princess Kaiulani, within one year from the date of the exchange of the ratifications of this treaty, the gross sum of one hundred and fifty thousand dollars, provided she in good faith submits to the authority of the Government of the United States and the local Government of the islands.

ARTICLE VII.

The present treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and by the Provisional Government of the Hawaiian Islands on the other, and the ratifications thereof shall be exchanged at Honolulu as soon as possible. Such exchange shall be made on the part of the United States by the commissioner hereinbefore provided for, and it shall operate as a complete and final conveyance to the United States of all the rights of sovereignty and property herein ceded to them. Within one month after such exchange of ratifications the Provisional Government shall furnish said commissioner with a full and complete schedule of all the public property herein ceded and transferred.

In witness whereof the respective plenipotentiaries have signed the above articles and have hereunto affixed their seals.

Done in duplicate at the city of Washington this fourteenth day of February, one thousand eight hundred and ninety-three.

**TREATY OF ANNEXATION OF HAWAII, NEGOTIATED IN 1897,
UNDER PRESIDENT M'KINLEY, SECRETARY OF STATE SHER-
MAN.**

The United States and the Republic of Hawaii, in view of the natural dependence of the Hawaiian Islands upon the United States, of their geographical proximity thereto, of the preponderant share acquired by the United States and its citizens in the industries and trade of said islands, and of the expressed desire of the Government of the Republic of Hawaii that those islands should be incorporated into the United States as an integral part thereof and under its sovereignty, have determined to accomplish by treaty an object so important to their mutual and permanent welfare.

To this end the high contracting parties have conferred full powers and authority upon their respectively appointed plenipotentiaries, to wit:

The President of the United States, John Sherman, Secretary of State of the United States.

The President of the Republic of Hawaii, Francis March Hatch, Lorrin A. Thurston, and William A. Kinney.

ARTICLE I.

The Republic of Hawaii hereby cedes absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies; and it is agreed that all territory of and appertaining to the Republic of Hawaii is hereby annexed to the United States of America under the name of the Territory of Hawaii.

ARTICLE II.

The Republic of Hawaii also cedes and hereby transfers to the United States the absolute fee and ownership of all public, Government, or crown lands, public buildings, or edifices, ports, harbors, military equipments, and all other public property of every kind and description, belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining.

The existing laws of the United States relative to public lands shall not apply to such lands in the Hawaiian Islands, but the Congress of the United States shall enact special laws for their management and disposition: Provided, That all revenues from or proceeds of the same, except as regards such part thereof as may be used or occupied for the civil, military, or naval purposes of the United States, or may be assigned for the use of the local government, shall be used solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes.

ARTICLE III.

Until Congress shall provide for the government of such islands, all the civil, judicial, and military powers exercised by the officers of the existing Government in said islands shall be vested in such person or persons and shall be exercised in such manner as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

The existing treaties of the Hawaiian Islands with foreign nations shall forthwith cease and determine, being replaced by such treaties as may exist or as may be hereafter concluded between the United States and such foreign nations. The

municipal legislation of the Hawaiian Islands, not enacted for the fulfillment of the treaties so extinguished, and not inconsistent with this treaty nor contrary to the Constitution of the United States, nor to any existing treaty of the United States, shall remain in force until the Congress of the United States shall otherwise determine.

Until legislation shall be enacted extending the United States customs laws and regulations to the Hawaiian Islands, the existing customs relations of the Hawaiian Islands with the United States and other countries shall remain unchanged.

ARTICLE IV.

The public debt of the Republic of Hawaii, lawfully existing at the date of the exchange of the ratifications of the treaty, including the amounts due to depositors in the Hawaiian Postal Savings Bank, is hereby assumed by the Government of the United States, but the liability of the United States in this regard shall in no case exceed \$4,000,000. So long, however, as the existing Government and the present commercial relations of the Hawaiian Islands are continued, as hereinbefore provided, said Government shall continue to pay the interest on said debt.

ARTICLE V.

There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States, and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

ARTICLE VI.

The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall, as soon as reasonable and practicable, recommend to Congress such legislation for the Territory of Hawaii as they shall deem necessary or proper.

ARTICLE VII.

This treaty shall be ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part; and by the President of the Republic of Hawaii, by and with the advice and consent of the Senate, in accordance with the constitution of said Republic, on the other; and the ratifications hereof shall be exchanged at Washington as soon as possible.

In witness whereof the respective plenipotentiaries have signed the above articles and have hereunto affixed their seals.

Done in duplicate at the city of Washington, this sixteenth day of June, one thousand eight hundred and ninety-seven.

JOHN SHERMAN.	[SEAL.]
FRANCIS MARCH HATCH.	[SEAL.]
LORRIN A. THURSTON.	[SEAL.]
WILLIAM A. KINNEY.	[SEAL.]

APPENDIX 3.

IS HAWAII OF STRATEGIC VALUE TO THE UNITED STATES?—WILL ITS POSSESSION STRENGTHEN OR WEAKEN AMERICAN CONTROL OF THE PACIFIC?—OPINIONS OF CAPTAIN A. T. MAHAN, U. S. N.; GEORGE W. MELVILLE, ENGINEER IN CHIEF, U. S. N.; GENERAL J. M. SCHOFIELD, U. S. A.; ADMIRAL BELKNAP, U. S. N.; ADMIRAL DUPONT, U. S. N.

THE STRATEGIC POSITION OF HAWAII

The main argument in favor of the annexation of Hawaii is that, by reason of its strategical position, the efficient protection of the Pacific coast and American commerce necessitates American control of Hawaii.

The reply is made to this that Hawaii has no strategical value to the United States, and that its possession would weaken instead of strengthen the latter country.

The main reason why Hawaii is a strategical point of value to the United States is that the Pacific is so wide that battle ships can not cross it from any foreign naval station to the Pacific coast without recoaling, and there is no place to recoal except Hawaii.

Exclusion of foreign countries from Hawaii will therefore practically protect the Pacific coast from trans-Pacific attack.

The following statements have been made by the leading experts of the United States Army and Navy directly upon the point at issue.

They are unanimously in support of the proposition that Hawaii will strengthen the United States, and that control of Hawaii is essential to the safety of the Pacific coast and American commerce:

MAHAN ON HAWAII.

ANNEXATION WILL STRENGTHEN, NOT WEAKEN, THE UNITED STATES.—
GREATER NAVY NEEDED TO PROTECT PACIFIC COAST WITHOUT
THAN WITH THE ISLANDS.

Captain Mahan's views on the importance of Hawaii as a military and naval stronghold are given in the following correspondence, which was read in the executive session of the Senate by Senator Teller:

QUESTIONS PUT TO MAHAN BY SENATOR KYLE.

WASHINGTON, D. C., *Feb. 3, 1898.*

Captain A. T. MAHAN, U. S. N.,
160 West Eighty-sixth Street, New York.

DEAR SIR: Recent discussions in the Senate have brought prominently to the front the question of the strategic features of the Hawaiian Islands, and in this connection many quotations have been made from your valuable and highly interesting contribution to literature in regard to these islands, and I am led to believe that you are as well qualified to give information relating to them as any man in the country.

I hand you herewith a list of four questions, and I shall be greatly pleased if you will kindly answer them. Thanking you in advance, I remain, very truly, yours,

JAMES H. KYLE.

QUESTIONS.

1. Would the possession of Hawaii strengthen or weaken the United States from a military standpoint?
2. In case of war, would it take a larger navy to defend the Pacific coast with or without the possession of Hawaii?
3. Is it practicable for any trans-Pacific country to attack the Pacific coast without occupying Hawaii as a base?
4. Could such attack be made by transporting coal in colliers and transferring coal at sea?

MAHAN'S REPLY.

160 WEST 86TH STREET, *New York, Feb. 4, 1898.*

Hon. JAMES H. KYLE,
U. S. Senate.

DEAR SIR: Your letter of the third is at hand. You appreciate, doubtless, that to give a categorical reply to questions such as you propose is very like giving a quotation apart from the context in which it stands. I shall try, however, to present such replies and their reasons as summarily as possible.

THE POSSESSION OF HAWAII WILL STRENGTHEN THE UNITED STATES.

1. From a military point of view the possession of Hawaii will strengthen the United States. Of course, as is constantly argued, every addition of territory is an additional exposed point; but Hawaii is now exposed to pass under foreign domination—notably Japan—by a peaceful process of overrunning and assimilation. This will inevitably involve its possession by a foreign power—a grave military danger to us—against which preoccupation by the United States is, in my judgment, the only security.

A LARGER NAVY NECESSARY WITHOUT THAN WITH HAWAII.

2. In replying to the second question, I must guard myself from being understood to think our present Pacific fleet great enough for probable contingencies. With this reservation a greater navy would not be needed for the defence of the Pacific coast than would be required with the islands unannexed. If we have the islands, and in the Pacific a fleet of proper force, the presence of the latter, or of an adequate detachment from it, at the Hawaiian Islands, will materially weaken, if not wholly cripple any attempted invasion of the Pacific coast (except from British Columbia), and consequently will proportionately strengthen us. With a fleet of the same size and Hawaii unoccupied by either party, the enemy would at least be in a better position to attack us; while, if he succeeded in establishing himself in any of our coast anchorages, he would be far better off. For, in the latter case, the islands would not menace his communications with home; which they would if in our possession, because Hawaii flanks the communications.

It is obvious, also, that if we do not hold the islands ourselves we can not expect the neutrals in the war to prevent the other belligerent from occupying them; nor can the inhabitants themselves prevent such occupation. The commercial value is not great enough to provoke neutral interposition. In short, in war we should need a larger navy to defend the Pacific coast, because we should have not only to defend our own coast, but to prevent, by naval force, an enemy from occupying the islands; whereas, if we had preoccupied them, fortifications could preserve them to us.

INVASION OF PACIFIC COAST IMPRACTICABLE WITHOUT HAWAII AS A BASE.

3. In my opinion, it is not practicable for any trans-Pacific country to invade our Pacific coast without occupying Hawaii as a base.

COALING AT SEA IMPRACTICABLE.

4. Coal can be transported in colliers, but as yet it can not be transshipped at sea with either rapidity or certainty. Even if it be occasionally practicable to coal at sea, the process is slow and uncertain. Reliance upon such means only is, in my judgment, impossible. A base must be had, and, except the ports of our own coast, there is none to be named alongside of Hawaii.

With much respect, I am, very truly yours,

A. T. MAHAN.

THE INCREASING NECESSITY OF HAWAIIAN ANNEXATION IN THE LIGHT OF RECENT EVENTS.

[By George W. Melville, Engineer in Chief, U. S. N., February 13, 1898.]

Recent events in the history of lands bordering the Pacific Ocean give added strength to the strategic reasons favoring the annexation of Hawaii, which have existed almost since the United States was a nation, and which have had full force since the conquest and purchase of California.

THE EUROPEANIZING OF CHINA.

To the westward, the acquisition by Germany of a commanding position on the Shan-Tung Promontory and the rumored desire for Hai-Nan by another government, with the occupation since 1842 of Hong-Kong by the British, point to the seemingly inevitable Europeanizing of the long littoral of China. Northward of that empire Russia marches steadily on, pushing her Siberian railway to completion, extending her already vast resources and strength at Vladivostock, wintering her fleet at Port Arthur, and apparently entering into the affairs, domestic and foreign, of the Korean Peninsula.

JAPAN THE ENGLAND OF THE EAST.

The fleet of Japan, too, has had, and still has, phenomenal growth. Japan has made Formosa her territory, and if her new rôle as the England of the East be adequately filled, other island territory may fall to her before the disturbed balance of power in the Orient shall cease to oscillate and shall settle into quiet for a time.

EUROPE FACES AMERICA ON THE WEST AS WELL AS ON THE EAST.

In place, then, of facing China, peaceful, and in war inert, with no force to dispatch far afield by sea or land, and Japan, eager, brilliant, but yet young and weak, there will presently confront the United States on its western as well as its eastern shore the Powers of Europe, with their relatively large fleets and home reserves established, not only in the far East, but in many of the nearer Pacific islands, the acquisition of which in these later years has been not a "blind grab for territory," but in pursuit of definite strategic aims. To these forces on the West there must be added also that of the new Japan, whose navy will soon surpass our own in fighting power.

MODERN WAR LIKE A THIEF IN THE NIGHT.

It is true that we are wholly at peace with these nations, and that since the United States desires no Asiatic territory, but is interested only in the full maintenance of its treaty rights with Eastern peoples, there would seem to be no probable cause for a clash. Yet modern war is sometimes like a "thief in the night," coming swiftly and without warning. Jomini, a master of strategy, has said, "No enemy is so insignificant as to be despised or neglected by any power, however formidable." A wise State should apply the same reasoning to possible foes. Again, he says, "Iron weighs at least as much as gold in the scales of military strength," an answer wholly apt to the argument of those who, calm in the consciousness of present peace, would rely upon the unsurpassed

wealth of the United States and our limitless resources to meet the stress of sudden war—remembering the “gold” only, and forgetting the vital “iron” of military strength.

HAWAII BRIDGES A SEA OTHERWISE IMPASSABLE.

And so while at this time we are wholly at peace on the Pacific, and the breadth of that wide ocean lies between us and the arsenals of nations which may some time be hostile to us, yet it must be remembered that in a moment peace may fade and that *Hawaii bridges the stretch of sea which without the island group would be at this stage in the development of marine propulsion impassable to an enemy's fleet.*

PEARL HARBOR THE KEY TO WESTERN DEFENCE.

Pearl Harbor is the sole key to the full defence of our Western shore, and that key should lie in our grasp only. Again, the sudden and wholly unforeshadowed development of Alaska, which the gold discoveries of the Klondike probably presage, adds a new element of commanding importance to the problem of Pacific defence—supremacy, if you will. It seems not unlikely that this territory will repeat the history of California—first, the wild rush for gold; then abnormal growth in tributary industries; then a wholesale and rapid expansion on natural lines.

THE RESOURCES OF ALASKA.

It is true that Alaska has not the sunny vineyards, the teeming fruit gardens, and the broad and fertile fields of California, but of its resources which are known it may be said that in addition to its possibilities, nay surety, of much gold it holds the world's greatest reserve of timber, its lands are full of coal, it has the finest grazing lands for cattle, and its fisheries are unsurpassed.

Disregarding, however, the uncertainties of future development, let us consider solely the necessities, now plainly apparent, of the gold seeker. While a multitude of the latter seem to be preparing for the new Eldorado, many must fail to find it owing to the lack, for the time at least, of transportation facilities. The problem of the carriage of even a fraction of the waiting throng over the miles of sea and river to the Klondike is one involving for the present the gravest difficulties. The distance from Seattle to St. Michaels is 2,500 miles by sea, and after the latter port is reached there are still 2,500 miles of the Yukon to traverse by river steamers, which as yet do not exist.

IMMEDIATE NECESSITIES OF ALASKAN COMMERCE.

With each Alaskan emigrant from Seattle there must go a ton of supplies for clothing and sustenance, a ton of fuel for his warmth during one winter, and a considerable weight of lumber for his housing. To these there must be added materials of construction for the great number of small and light-draft Yukon steamers yet to be transported in sections to and erected upon the banks of that river, and the fuel for the use of this river fleet, which will average not less than two tons for each gold miner and his baggage, stores, lumber, etc. According to a conservative estimate, embracing all of the items noted above, to transport fifty thousand men, with the necessary stores, fuel, and materials, will require an ocean service giving at least one arrival per day at St.

Michaels of large steamers from Seattle during the five months of available summer weather.

One arrival a day means, as well, an average of one departure a day. At fifteen knots' speed steamers will cover the distance of twenty-five hundred miles between the two ports in seven days. Admitting the premises, as above, there will then be always en route during the time noted fourteen large steamers, or their equivalent in a greater number of smaller and slower vessels, steam or sail—those outward bound carrying stores, without which the Yukon settlers will perish and our interests there be destroyed; those returning freighted, it is hoped, like the galleons of old Spain, with much treasure, wrested by herculean toil from a frozen and unyielding soil.

ALASKAN COMMERCE EXPOSED TO HOSTILE FLEETS.

In the event of conflict between the United States and a maritime power this throng of richly laden but helpless vessels will present to the enemy a noble field for attack by the "*guerre de course*," that "commerce destroying" which first formed a factor of naval war during the reign of Elizabeth of England, which was followed with such deadly effect by the *Alabama* and her consorts, and which has at this time many strong advocates, notably in the United States and France.

HAWAII COMMANDS ALASKAN ROUTE.

Now, Hawaii commands fully this ocean route, at a distance from it of less than twenty-five hundred miles—not five days' steaming for the cruiser *Columbia*—and in that flanking position which will give a naval force using it as a base such immense power to harass and destroy.

The Klondike is Canada's; soon she will doubtless lay down railways reaching its limits. Great Britain will then have, not only for the gold lands but for all Alaska, the surpassing strategic advantages of "inner lines" on which to operate in the event of war.

ALASKA AN OVER-SEA PROVINCE.

Alaska is, for us, practically an over-sea province. Our sole means of communication with it would appear now, at least, to be an ocean route. Shall we hazard the safety of Seward's imperial territory for this and for all time by refusing Hawaii, the ocean fortress, which in our hands, with an adequate naval force, would make our Alaskan lines of transit unassailable by any foe?

WHY HAWAII IS A STRATEGIC POINT AND MADEIRA NOT.

Hawaii's unique advantages as a strategic point of prime importance have been set forth so ably and so often as to forbid their citation here. One or two objections raised by not a few nontechnical critics may, however, be considered.

Pearl Harbor is twenty-one hundred miles from our western coast, and Madeira is about the same distance from our eastern shore. The latter has little, if any, military value. Why, then, should Hawaii, parted by the same stretch of sea, exceed it in importance?

PACIFIC SO BROAD WARSHIPS MUST RECOAL AT HAWAII.

The critics forget that the paramount worth of the Hawaiian group in war will lie, first, in the fact that the Pacific is so broad that its passage will exhaust the coal supply of a war vessel, making necessary

a renewal at Honolulu; and, second, in the isolation of the group, with the absence of other land between it and our coast. If the Pacific were as narrow as the Atlantic, or if other islands intervened—as with Madeira—between our western shore and Hawaii, the strategic value of the latter would be largely reduced.

PEARL HARBOR IMPREGNABLE.

Again, it has been urged that if we shall take the group we shall but acquire territory to defend—an element not of strength but of weakness in war, and one which will make necessary large additions to our fleet. Pearl Harbor can be made an impregnable ocean fortress. It is true that one does not wage war with fortresses. It is also true, however, that they form vantage points from which a force may sally and under whose wing that force may supply and recruit for fresh attack.

If Hawaii in naval conflict shall have no useful function in this, then it would seem that, through the wars of all time, the eager strife for the possession of fortresses, of guarded ports, of frontier outposts, has been false strategy, an error militarily.

ENEMY ATTACKING WESTERN COAST MUST FIRST CONTROL HAWAII.

As to the dread of the economist or of the altrurian, that annexation will require largely augmented naval strength, it may be said that if an adequate force of the United States be stationed at Hawaii, and its coast communications be properly guarded, an enemy from over sea would violate some of the cardinal principles of naval strategy and invite sure disaster in attacking our western shores without first blockading or defeating the Hawaiian squadron. The force of Pearl Harbor should then form simply but the first line of defense. Then the sea-going ships “fit to lie in a line,” with their torpedo auxiliaries, should be gathered to meet the first assault, leaving the coast guard to the reserve of torpedo craft and monitors stationed at fortified ports. The strength of the squadron at this mid-Pacific outpost should be, doubtless, sufficient to meet the enemy, but the force on the coast could be reduced.

OCEAN DISTANCES SHOULD BE MEASURED IN TIME, NOT MILES.

Some misconception as to Hawaii's value in war seems to rise through a lack of appreciation of what steam has done in the reduction of ocean distances, measuring the latter in the time spent in traversing them. A clearer view may be obtained, perhaps, by referring this time to land travel. Admiral Colomb speaks of “the sea considered as territory over which military forces march.” Let us extend this expression somewhat and assume the ocean to be not a neutral plain, but a “No Man's Land,” on which armies may manœuvre.

NAPOLEON'S SYSTEM OF WAR.

Napoleon gave his system of conducting a war as: “To march twenty-five miles a day, to fight, and then to camp in quiet.”

At fifteen knots' speed, a fleet could steam from Pearl Harbor to San Francisco in less than six days. The Emperor, in that time, would have marched his army one hundred and fifty miles.

MEASURED BY NAPOLEON'S MARCHING SPEED, HAWAII ONLY 150
MILES FROM SAN FRANCISCO.

If, then, we assume the sea to be a great land plain, we must locate Pearl Harbor on that plain at about one hundred and fifty miles from San Francisco, and, to complete the parallel, must make it practically impregnable and capable of sheltering one hundred thousand men. From this point of view Hawaii's remoteness would seem to be apparent rather than real.

ANNEXATION WILL SECURE WESTERN SHORE AND PACIFIC COM-
MERCE.

In the wars which gave our Government birth and which have attended great crises in its history, thousands spent life itself that a nation might be formed and preserved for those who were to follow them. The men of this generation have added not a few stars to the blue field of our flag. As captains of industry or as toilers in its ranks, they have so developed the resources of our wide land that after the wants of the greatest home market in the world are filled there remains of our products a surplus which, in ever-increasing variety and quantity, forces its way into foreign marts. Shall not we, too, serve the greater Republic that is to come, and in accepting the gift of the Hawaiian group, not only make secure our western shore, but give the coming generations a firm grasp on the vast—but for us almost untouched—trade of Pacific shores and islands?

GEORGE W. MELVILLE,
Engineer in Chief, U. S. N.

HAWAIIAN ANNEXATION A PUBLIC NECESSITY.

[By General Schofield.]

ST. AUGUSTINE, FLA., *Jan. 12, '98.*

Hon. JOHN T. MORGAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: In compliance with the request contained in your letter of January 9, I do not hesitate to write you without reserve in respect to my views upon the pending question of annexation of the Hawaiian Islands.

FOR TWENTY-FIVE YEARS REGARDED ANNEXATION AS A PUBLIC
NECESSITY.

From the time, twenty-five years ago, when I made a personal examination for the purpose of ascertaining the value of those islands to this country for military and naval purposes, I have always regarded ultimate annexation of the islands to this country as a public necessity. But the time when this should be accomplished had to depend on natural political development. In the meantime our national interests should be secured by the exclusive right to occupy, improve, and fortify Pearl River Harbor, so as to insure our possession of that harbor in time of war.

PEARL HARBOR MUST BE HELD AT ANY COST.

To illustrate my views on this subject, I have likened that harbor to a commanding position in front of a defensive line which an army in the field is compelled to occupy. The army must occupy that advanced

position and hold it at whatever cost, or else the enemy will occupy it with his artillery and thus dominate the main line. If we do not occupy and fortify Pearl River harbor, our enemy will occupy it as a base from which to conduct operations against our Pacific coast and the Isthmian canal, which must, of course, in due time be constructed and controlled by this country. The possession of such a base at a convenient distance from our Pacific coast would be a great temptation to an unfriendly nation to undertake hostile operations against us.

PEARL HARBOR CAN BE DEFENDED WITHOUT A NAVY.

One of the greatest advantages of Pearl River harbor to us consists in the fact that no navy would be required to defend it. It is a deep, landlocked arm of the sea, easily defended by fortifications placed near its mouth, with its anchorage beyond the reach of guns from the ocean.

Cruisers or other war ships which might be overpowered at sea, as well as merchant vessels, would find there, behind the land defenses, absolute security against a naval attack. A moderate garrison of regular troops, with the militia of the island, would give sufficient protection against any landing parties from a hostile fleet. Of course an army on transports, supported by a powerful fleet, could land and capture the place. But that would be an expensive operation; one much less likely to be undertaken than the occupation of an undefended harbor, as a necessary preliminary to an attack on our coast or upon our commerce.

GREATEST NECESSITY IS TO KEEP OTHER NATIONS OUT.

The value of such a place of refuge and of supplies for our merchant marine and our cruisers in time of war can hardly be overestimated, yet the greatest value to us of that wonderful harbor consists in the fact that its position and adequate defense by us prevents the possibility of an enemy using it against us.

So far as I know, the leading statesmen, no less than the military and naval authorities, of this country have always been in accord on this subject.

TIME HAS COME TO CARRY TRADITIONAL POLICY INTO EFFECT.

While it has not been proposed to interfere with the continued occupation by foreign nations of their military strongholds in this hemisphere, it has been publicly and emphatically declared that none of those strongholds should ever be allowed to pass into the possession of any other nation whose interests might be antagonistic to ours.

Now, for the first time, the occasion has arisen to carry into effect our long-declared national policy.

HAWAII CAN NOT STAND ALONE—PROTECTORATE WOULD LEAD TO DISASTER.

A little State like Hawaii can not stand alone among the great nations, all of whom covet her incomparable harbor. She must have the protection of this country or of some other great nation. But a *protectorate without sovereignty is the last thing this country could afford to assume.*

In the absence of authority to regulate and control the intercourse between the islands and other countries, controversies must arise

which would lead to war or to the loss of our invaluable military possession in the islands.

No halfway measures will suffice. We must accept the islands and hold and govern them or else let some other great nation do it.

FAILURE TO ANNEX, A BLUNDER WORSE THAN A CRIME.

To fail now to carry into effect our own great national policy upon the first occasion offered to us would, in my judgment, be one of those blunders which are worse than crimes.

DUTY TO AMERICAN RESIDENTS OF HAWAII.

To my mind, what may be regarded, perhaps, as the sentimental aspect of the question is entitled to consideration.

A colony of intelligent, virtuous, and patriotic Americans have rescued a country from barbarism and raised it to a high state of civilization and prosperity, until in the natural course of events the government of that country has fallen entirely into their hands. They now ask the privilege of adding that country to their own native land; of returning with their new possessions to the parental fold. Can they be turned away to seek a home among strangers? Not without violating one of the most sacred laws of nature and incurring the penalty which must, sooner or later, necessarily follow.

I am, dear Senator, with great respect, sincerely, yours,

J. M. SCHOFIELD.

ADMIRAL BELKNAP ON ANNEXATION.

[January 31, 1893.]

OVERTHROW OF MONARCHY EXPECTED.

The revolution in the Hawaiian Islands, resulting in the deposition of the Queen and the establishment of a provisional government, is an event not unexpected to diplomatic, naval, and consular officers who have had any acquaintance or familiarity with the course of affairs in that island Kingdom for the past twenty years.

ANNEXATION OF MOMENTOUS INTEREST AND VITAL IMPORTANCE.

To the people of the United States the present situation is of momentous interest and of vital importance. Indeed, it would seem that nature had established that group to be ultimately occupied as an outpost, as it were, of the great Republic on its western border, and that the time had now come for the fulfillment of such design.

A glance at a chart of the Pacific will indicate to the most casual observer the great importance and inestimable value of those islands as a strategic point and commercial center. Situated in mid-north Pacific, the group looks out on every hand toward grand opportunities of trade, political aggrandizement, and polyglot intercourse. * * *

The group now seeks annexation to the United States; the consummation of such wish would inure to the benefit of both peoples commercially and politically. Annex the islands, constitute them a Territory, and reciprocal trade will double within ten years. Let the islanders feel that they are once and forever under the folds of the American flag as part and parcel of the great Republic, and a development will take place in the group that will at once surprise its people and the world.

FAILURE TO ANNEX WOULD BE FOLLY.

Not to take the fruit within our grasp and annex the group now begging us to take it in would be folly indeed—a mistake of the gravest character, both for the statesmen of the day and for the men among us of high commercial aims and great enterprises.

Our statesmen should act in this matter in the spirit and resolve that secured to us the vast Louisiana purchase, the annexation of Texas, and the acquisition of California. The Administration that secures to the United States the “coign of vantage” in the possession of those beautiful islands will score a great measure of beneficent achievement to the credit side of its account. * * *

SHOULD ANNEX EVEN AT HAZARD OF WAR.

We want no joint protectorate, no occupation there by any European power, no Pacific Egypt. We need the group as part and parcel of the United States, and should take what is offered us, even at the hazard of war.

Westward the star of empire takes its way. Let the Monroe doctrine stay not its hand until it holds Hawaii securely within its grasp.

In this matter the undersigned speaks from personal knowledge, gained through official visits to the islands in 1874 and 1882. * * *

ADMIRAL DUPONT ON THE COAST DEFENSES OF THE UNITED STATES.

In 1851 Congress, by formal resolution, requested the Navy and War Departments to make a report upon the condition and requirements of the coast defenses of the United States. Embodied in the report of the Navy Department is a report from Admiral Dupont, in which he uses the following language:

The position of Halifax, Bermuda, and the West Indies must ever be borne in mind where fleets may wait for a fitting opportunity for incursions. To suppose that there is to be no such thing as a surprise because railroads have been invented and hollow shot cast seems to be taking for granted that human life has changed. Those who indulge in such theoretical securities are preparing themselves for surprises—perilous ones, too. * * *

In the Pacific we already have outposts on our flanks in the hands of first-class powers. * * *

It is impossible to estimate too highly the value and importance of the Sandwich Islands, whether in a commercial or military point of view. Should circumstances ever place them in our hands they would prove the most important acquisition we could make in the whole Pacific Ocean—an acquisition intimately connected with our commercial and naval supremacy in those seas.

APPENDIX 4.

ASSETS.

Summary of inventory and estimated value of property belonging to the Hawaiian Government, as of date September 30, 1897.

JUDICIARY DEPARTMENT.

Furniture, law library, etc.....	\$25, 000. 00
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DEPARTMENT FOREIGN AFFAIRS.

Furniture and articles in care of Bishop Museum.....	\$26, 500. 00	
Military arms and equipments, artillery stores and utensils.....	54, 300. 00	
		80, 800. 00

INTERIOR DEPARTMENT.

Furniture, executive building, council hall, etc.....	11, 250. 00
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Registry of conveyances.

Records and indexes	65, 000. 00
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Interior Department, Land Office.

Furniture, records, maps, etc.....	106, 190. 00
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Government survey.

Office furniture, maps, records, instruments, etc.....	260, 000. 00
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Office public lands.

Office furniture, plans, maps, etc.....	2, 350. 00
Government buildings.....	940, 350. 00
Electric lights, dredging, and pile-driving plants.....	109, 850. 00
Wharf building, tools and equipment, material, etc	14, 000. 00
Steam tug <i>Eleu</i>	25, 000. 00
Wharves and landings.....	235, 700. 00
Buoys.....	3, 350. 00
Marine railway	50, 000. 00
Battery, sea wall, etc.....	40, 000. 00
Light-houses.....	15, 450. 00
Bridges	126, 800. 00
Sundry material and equipments, other districts	12, 700. 00

Bureau waterworks.

Value waterworks on net income of \$30,000 (6 per cent)	500, 000. 00
Waterworks, other islands.....	26, 800. 00

Insane asylum.

Sundry property, furniture, crops, live stock, etc	5, 000. 00
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Roads, Honolulu.

Stock, material, equipment, etc.....	17, 100. 00
Stock, district road boards.....	12, 000. 00

Road taxes.

On special deposit.....	54, 256. 00
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Honolulu fire department.

General equipment	40, 000. 00
Hilo general equipment.....	8, 000. 00

Sundries.

Furniture, crockery, glassware, carriages, harness, etc., in executive building stables; jewels and plate in treasury vault, etc	\$8,766.00	
		\$2,796,912.00

Board of health.

Office furniture, Lahaina lot, medicines, etc	2,420.00	
Buildings, carts, horses, tools, etc.....	4,600.00	

Hospitals.

Buildings, furniture, medicines, etc	12,000.00	
Quarantine stations, buildings, fumigating and electric-light plants	17,500.00	
Receiving stations	7,800.00	

Molokai settlement.

Buildings, warehouses, pipe lines, waterworks, live stock, etc.....	77,000.00	
		121,320.00
		3,024,032.00

Finance department.

Office furniture and fittings	4,500.00	
Stamps (invoice value)	1,500.00	
Cash on hand	123,149.00	
Special deposit.....	21,696.00	
Office furniture, auditor's and tax assessor's office.....	1,300.00	

Customs bureau.

Furniture and appurtenances.....	3,250.00	
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Postal Bureau.

Furniture, stamps in stock, stamp dies, etc	34,634.00	
Money-order department, capital.....	14,611.00	
		206,640.00

ATTORNEY-GENERAL'S DEPARTMENT.

Furniture, law library, police arms and equipments, etc.....	12,500.00	
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Board of education.

Office furniture	\$700.00	
School books and supplies.....	7,500.00	
School funds, special deposit.....	35,939.00	
School lands, buildings, etc.....	272,800.00	316,989.00
		3,560,161.00

GOVERNMENT LANDS.

Island.	Coffee.	Cane.	Rice.	Grazing.	Forest, etc.	Esti- mated value.
	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	<i>Acres.</i>	
Hawaii	62,890	18,156	140	368,349	749,302	\$1,874,900
Maui	8,180	520	110	112,570	58,550	453,800
Oahu	800	2,050	327	71,414	13,778	983,500
Kauai	4,400	4,900	400	80,050	86,650	648,000
Molokai				40,625		75,500
Lanai and Kahoolawe				77,669		70,000
Laysan, etc., Islands						40,000
Total	76,270	25,626	977	751,177	908,280	4,147,700.00

Building lots, Honolulu	521,800	
Building lots, Town Hilo.....	160,000	

Esplanade and city front.

Leased lots (including esplanade, storage), rent, \$27,000 per annum.....	450,000	
Old lots, unleased, including fish market, custom-house site, etc.....	250,000	
New lots (reclaimed land)	100,000	
		1,481,800.00
Grand total.....		9,189,661.00

The total area of the Government lands may be roughly classified as follows:

	Acres.
Valuable building lots.....	145
Cane lands.....	25,626
Rice lands.....	977
Coffee lands.....	76,270
Homesteads—Government interest in.....	20,000
Grazing lands of various quality.....	451,200
Forest lands (high).....	681,282
Rugged, inaccessible mountain tracts.....	227,000
Barren lands, nominal value.....	300,000
	1,782,500

NOTE.—The above classification of Government lands is necessarily somewhat arbitrary, and the statement in my report of 1894 to the surveyor-general applies also at this date, “that the lack of positive knowledge of quality and adaptability of the soil in untried sections, and the imperceptible gradation by which the best land merges into indifferent and indifferent into that of nominal value, makes a report of this nature to a considerable extent a matter of personal opinion rather than of scientific certainty.”

I would further state that under the head of grazing lands and high forest land is included a large area which, in the future, may be devoted to a class of temperate-climate products, grain, fruits, etc., which area is now practically undeveloped.

The estimate of values of Government lands has been made independently of the leases and rents received from same. In the case of recent leases these rents are fairly representative of the value of the land, but in many of the older leases are much below the present standard of value.

J. F. BROWN,
Agent of Public Lands in Hawaii.

October 17, 1897.

APPENDIX 5.

BEET SUGAR.

The following letter from Mr. James T. Taylor, of Pecos, New Mexico, a member of the American Society of Civil Engineers, and chief engineer of the Pecos Irrigation and Improvement Company, on whose estate the Pecos beet sugar factory is located, gives the following opinion:

LETTER FROM MR. JAMES T. TAYLOR.

DEAR SIR: From personal observation of the beet-sugar industry both in California and New Mexico, extending over a period of several years, I do not believe that annexation will have any injurious effect upon the beet-sugar industry of the United States; and in support of that view I cite the following facts as they exist to-day:

I know from personal knowledge the climatic conditions of the Hawaiian Islands, and the general nature of their soil and products. There is approximately only 80,000 acres of cane land under cultivation, which, under the most favorable circumstances, produce, say, an average of a little over 200,000 tons of sugar annually. The present is practically the limit of area naturally available for the successful growth of sugar cane.

The entire annual crop of sugar exported from the islands is only approximately 10 per cent of the annual amount of sugar consumed in the United States, which amount is mainly imported from foreign countries, and has for the past few years averaged more than two million tons of sugar per annum; consequently the price of Hawaiian sugar can not affect the price of beet sugar of the United States, as the market price of such staples is fixed at the great commercial centers of the world, namely, London and New York.

The consumption of sugar in the United States is rapidly increasing with the settlement and development of our country, so that in the near future the Hawaiian sugar crop will be a still smaller percentage of the annual sugar output of the world.

Of the total amount of sugar consumed annually in the United States only approximately 16 per cent was produced on American soil for the year 1897, making 84 per cent the approximate amount of importations, coming principally from Europe and the East, West, and British Indies.

To produce the amount of sugar now imported from foreign countries (other than Hawaii) would require at least (500) *five hundred beet-sugar factories having an average daily capacity of* (500) five hundred tons of beets, each factory utilizing the product of 3,300 acres of sugar beets.

The five hundred factories would utilize the product of 1,650,000 acres of beets, based on an average of ten tons of sugar beets per acre, or

16,500,000 tons of beets, valued at \$58,000,000, as the average price paid to the farmer for beets is four dollars per ton.

The production and handling of this quantity of beets would directly and indirectly give employment to more than a million of people.

The only conclusion that can be drawn is that danger from competition by reason of reduction in the price or overproduction of sugar by the Hawaii sugar planters can not be considered a valid objection to annexation from the standpoint of a sugar-beet grower.

The sugar-beet farmer of the United States stands on a very favorable basis for the production of sugar, as the crop is planted and harvested generally during a period of six to seven months.

Good beet land with water is obtained in the Pecos Valley, New Mexico, at a rental of two dollars per acre per annum. The only other location where beets are grown by irrigation is at Lehi, Utah.

The Hawaiian sugar planter requires sixteen to eighteen months to produce a cane crop, and then only by heavy irrigation. The climatic conditions and nature of the soil require the frequent application of water in generous quantities.

The duty of water is very low and the value correspondingly high, as the irrigation of cane requires at least one cubic foot per second for fifty acres or less, this being in excess of the requirements of the lands of the arid West of America.

The Eddy Sugar Factory, constructed by the Pecos Valley Beet Sugar Company, is the first factory to be erected in the great Southwest and the sixth to be erected in the United States.

The sugar content of the beet root grown in the Pecos Valley exceeds that of all other countries.

The factory has a rated capacity of 200 tons in 24 hours and employs from 75 to 100 men during the campaign.

The results of the past two seasons clearly demonstrate that a first quality of sugar can be produced in the Pecos Valley and that the annexation of Hawaii can not in any way affect the sugar industry of this country.

Yours, respectfully,

EDDY, NEW MEXICO.

JAMES T. TAYLOR,
M. A. M. Soc. C. E.

APPENDIX 6.

[From Commercial America, New York, January 7, 1898.]

TRADE WITH HAWAII—COMMERCIAL ARGUMENTS IN FAVOR OF THE POLICY OF ANNEXATION—BUYERS OF AMERICAN GOODS—SEVENTEEN NATIONS WITH WHICH WE TRANSACT LESS BUSINESS—PATRONS OF AMERICAN VESSELS—SUGAR INTERESTS WILL NOT BE INJURED—DANGER TO BE AVOIDED.

Hawaiian annexation should be broadly studied from its commercial standpoint, but this rather seems to be lost sight of in all political discussions. American commercial interests are paramount in the Hawaiian group. Fully 75 per cent of the business transacted there is in the hands of Americans and fully 75 per cent of the sugar plantations are owned by Americans. Is it good public policy to ignore or to imperil American commercial interests, even though they be situated in a foreign country? Is it not our duty to protect them and endeavor to augment them?

American farms and factories need every available outlet for their products. So rapidly have our industrial and agricultural interests expanded that we need trade in foreign countries in order to be able to dispose of our surplus supplies. And there is no better market for American goods than in the Hawaiian group. Though the bulk of this trade is transacted from the Pacific coast, that is no reason why Eastern merchants and Eastern shippers should ignore its importance. Large quantities of the goods shipped there are supplied from Eastern mills and factories. If these goods, whether from farm or factory, were not sold in Hawaii, they would add to the surplus in our own country, tending to a further cheapening of values in lines that can hardly bear any further strain of cut rates.

The goods we sell to Hawaii comprise almost every article that is seen in our own markets, possibly with the sole exception of heavy winter clothing. The Hawaiians are very free and liberal buyers—none more so in the world for American products. They get practically everything that they eat, wear, and consume from the United States. Their business is our business. Their merchants are nearly all our own kinsmen, and, from a commercial standpoint, we should encourage, protect, and strengthen the ties that bind us together.

Under annexation this liberal channel of business would be largely expanded, because there would be a strong tide of immigration toward these islands of the Pacific, and their present population of some 90,000 souls would be largely increased. There is no reason whatever why a portion of the trade with Hawaii that is now transacted by the merchants of the West should not be diverted to the East. Even if this be not done, there should be sufficient patriotism in the East to enable us

to gladly witness a growth of trade in the West which must, directly or indirectly, aid other sections of the United States. An idea of the importance of this trade can be gathered from the following statement of facts:

EXTENT OF OUR HAWAIIAN TRADE.

In the fiscal year ending June 30, 1897, the aggregate trade between the Hawaiian Islands and the United States reached \$18,385,000.

This is greater than our total trade with Argentina, which amounted to \$17,157,000 in the same year.

It was greater than our total trade with Central America, which amounted to \$16,464,000 last year.

It was greater than our total trade with Spain, which amounted only to \$14,600,000.

It was greater than our total trade with Switzerland, which amounted only to \$13,950,000.

It was greater than our total trade with Venezuela, which amounted only to \$12,960,000.

It was greater than our total trade with Austria, which amounted only to \$12,200,000.

It was greater than our total trade with Russia, which amounted only to \$10,700,000.

It was greater than our total trade with Denmark, which amounted only to \$10,500,000.

It was greater than our total trade with Colombia, which amounted only to \$8,540,000.

It was greater than our total trade with Norway and Sweden, which amounted only to \$7,963,000.

It was greater than our total trade with the Guianas, which only amounted to \$6,770,000.

It was greater than our total trade with Chile, which only amounted to \$6,370,000.

It was greater than our total trade with Uruguay, which only amounted to \$4,729,000.

It was nearly four times greater than our total trade with Portugal, which amounted only to \$4,750,000.

It was nearly seven times greater than our total trade with Turkey, which only amounted to \$2,821,000.

It was ten times greater than our total trade with Peru, which only amounted to \$1,830,000.

It was more than twenty times greater than our total trade with Greece, which only amounted to \$850,000 in the last fiscal year.

Here are seventeen countries with which we are constantly transacting business, and yet not one of them is nearly as valuable to us as the Hawaiian Islands. And, what is more, if any commercial interest were threatened in any one of these seventeen countries, there would be an immediate outcry against a disturbance in that trade.

We do 40 per cent more business with Hawaii than with Greece, Portugal, Turkey, Peru, and Uruguay combined.

We do more business with Hawaii than with Sweden, Norway, and Chile combined.

We do more business with Hawaii than with Russia and the three Guianas combined.

Yet in face of these solid facts there are people who would turn the Hawaiian market over to some foreign country!

FROM ANOTHER VIEWPOINT.

Now, glance at the importance of the Hawaiian trade from another standpoint—that of a basis of per capita consumption.

The Hawaiian people buy American products from us at the rate of \$53.35 for every inhabitant on the islands.

Our immediate neighbor, Canada, buys our goods only at the rate of \$14 per capita of her population.

Our other contiguous neighbor, Mexico, buys from us at the rate of but \$1.95 per capita of her population.

The entire Australian continent buys from us only at the rate of \$3.67 per capita of its population.

The whole of Europe buys only at the rate of \$2.12 per capita of its population.

South America buys from us only on a 90 cents per capita basis.

The continent of Africa buys from us only on a 13 cents per capita basis.

Asia seeks our markets only to the extent of 4 cents per head of her population.

The United Kingdom, popularly supposed to be our best customer, buys from us only what she can not get elsewhere, and on a basis of \$13.42 per capita of her population, as compared with the purchases made by the Hawaiians on a basis of \$53.35 per capita of their population.

How is this trade conducted? is naturally the next question that arises.

Of America's total commerce with foreign countries, but 11.03 per cent was conducted last year in American ships. Of our total trade with North America, 48.38 per cent was in American ships. Of our trade with Australia, 23.41 per cent was in American ships. Of our trade with South America, 20.77 per cent was carried in American ships. Of our trade with Asia, 13.43 per cent was carried in American ships. Of our trade with Africa, 11.77 per cent was carried in American ships. Of our total trade with Europe, only 3.96 per cent was carried under the American flag. But it remained for Hawaii to transact no less than 80.72 per cent of its business with the United States under the Stars and Stripes.

The Hawaiians patronize our farms, our factories, and our shipyards. They give the preference to the United States in every commercial transaction. There should be no question about fostering and encouraging this friendly business sentiment and taking it under our own protection.

THE SUGAR QUESTION.

One objection made to the acquisition of the Hawaiian Islands as part of American territory is that it will interfere with the production of sugar in the United States. For nearly a quarter of a century Hawaiian sugar has practically had a free market in this country and the American sugar industry has grown in spite of it. Hawaii has reached its limit of sugar production. All the lands there available for this crop are now under cultivation, but it has large possibilities for coffee culture.

The total sugar crops of the world for 1897-98, as given by Willett & Gray, are 7,849,847 tons. The total crop of Hawaii is given by the same authority as 275,000 tons. Yet it is claimed that the little Hawai-

ian crop, constituting but $3\frac{1}{2}$ per cent of the whole, will affect the market price of sugar to the injury of American producers.

The United States already produces more sugar than Hawaii—321,317 tons, as compared with the islands' crop of 275,000 tons. Under normal conditions Cuba gives a million tons of sugar a year, yet there is a very general sentiment in favor of the annexation of Cuba, and not a word is said about the possibility of its injury to the American sugar interests. We are, next to England, the largest consumers of sugar in the world, using $64\frac{1}{2}$ pounds per annum per capita of our population. Our total consumption last year was 2,096,263 long tons, of which 336,656 tons were produced in the United States, while 1,066,684 tons of cane sugar and 616,635 tons of beet sugar came from foreign countries. We must buy sugar from abroad, so why not buy the sugar that is grown by those Americans who are the largest buyers in the world of our products?

There is one more commercial argument in favor of the annexation of the Hawaiian Islands that has never yet been referred to in the press or in Congress. It is this:

If the Hawaiian Islands are unable to maintain a responsible form of government, and events during the last fifteen years have certainly shown this to be the case, why should the United States refuse its protection to this American colony and permit its annexation by some foreign country?

What would the acquisition of Hawaii by England, by Germany, or by Japan mean?

It would simply mean this: Within 2,000 miles of our Pacific coast the only available territory in the Pacific Ocean would be transformed into a huge manufacturing depot, supplied with European capital, worked by Asiatic labor, for the supreme control of the trade of every country bordering upon the Pacific, whether in North or South America, in Asia or in Australia.

Can we, as a large manufacturing nation, for one moment permit the possibility of such an occurrence? We have excluded the Chinese from our own shores because of their industrial competition with American labor. Shall we now throw our gates wide open to the labor of the Orient in the shape of goods that would surely be made in Hawaii by Chinese or Japanese labor just as soon as we refused to take those islands under our protection, and afforded an opportunity to some foreign nation to seize them and establish there a commercial policy that would give to that nation the trading supremacy of the world, for which there exists to-day such a bitter strife?

These are commercial arguments submitted on behalf of that American commerce for Greater America which Commercial America represents.

APPENDIX 7.

NAVY DEPARTMENT,
Washington, March 7, 1898.

SIR: I have to acknowledge the receipt of your letter of March 3, and in reply to inform you that a vessel has been in Hawaiian waters practically continuously since 1887. The *Vandalia* arrived there August 27, 1887, and remained until the following year, when she was relieved by the *Alert*, which vessel was relieved in 1890 by the *Mohican*. The *Mohican* left in 1891, having been replaced by the *Iroquois*, *Charleston*, and *Marion*. For a period of about two months of this year the islands were left without a United States man-of-war. The *San Francisco*, which visited those waters early in 1892, was relieved by the *Boston* August 24, the latter vessel remaining until September 15, 1893, at which time the *Philadelphia* took her place, leaving the islands August 12, 1894. The *Charleston* then went to the islands, but for about three months of the latter part of this year they were without a man-of-war. The *Philadelphia* returned in January, 1895, and was relieved by the *Bennington* in June of the same year, the latter being relieved by the *Marion* and the *Adams* March 5, 1896, these vessels remaining the balance of that year. During 1897 the *Marion*, *Philadelphia*, and *Adams* were there, the *Baltimore* also joining them in October. In addition, many other vessels have been in these waters for short periods.

Very respectfully,

JOHN D. LONG, *Secretary*.

Hon. JOHN T. MORGAN,
United States Senate.

APPENDIX 8.

[Mormon Church v. United States, 136 U. S. Reports, p. 1. Decided May 19, 1890.]

Mr. Justice BRADLEY delivered the opinion of the court (p. 42).

Mr. Chief Justice FULLER, with whom concurred Mr. Justice Field and Mr. Justice Lamar, dissenting (p. 66).

* * * * *

The power of Congress over the Territories of the United States is general and plenary, arising from and incidental to the right to acquire the territory itself, and from the power given by the Constitution to make all needful rules and regulations respecting the territory or other property belonging to the United States. It would be absurd to hold that the United States has power to acquire territory, and no power to govern it when acquired. The power to acquire territory other than the territory northwest of the Ohio River (which belonged to the United States at the adoption of the Constitution) is derived from the treaty-making power and the power to declare and carry on war. The incidents of these powers are those of national sovereignty, and belong to all independent governments. The power to make acquisitions of territory by conquest, by treaty, and by cession is an incident of national sovereignty.

The Territory of Louisiana, when acquired from France, and the Territories west of the Rocky Mountains, when acquired from Mexico, became the absolute property and domain of the United States, subject to such conditions as the Government, in its diplomatic negotiations, had seen fit to accept relating to the rights of the people then inhabiting those Territories. Having rightfully acquired said Territories, the United States Government was the only one which could impose laws upon them, and its sovereignty over them was complete. No State of the Union had any such right of sovereignty over them; no other country or government had any such right. These propositions are so elementary, and so necessarily follow from the condition of things arising upon the acquisition of new territory, that they need no argument to support them. They are self-evident. Chief Justice Marshall, in the case of the American Insurance Company v. Canter (1 Pet., 511), well said:

Perhaps the power of governing a Territory belonging to the United States which has not, by becoming a State, acquired the means of self-government, may result necessarily from the facts that it is not within the jurisdiction of any particular State and is within the power and jurisdiction of the United States. The right to govern may be the inevitable consequence of the right to acquire territory. Whichever may be the source whence the power is derived, the possession of it is unquestioned.

Dissenting opinion: FULLER, C. J. FIELD, LAMAR, J. J.

I am constrained to dissent from the opinion and judgment just announced. Congress possesses such authority over the Territories as the Constitution expressly or by clear implication delegates. Doubtless territory may be acquired by the direct action of Congress, as in the annexation of Texas; by treaty, as in the case of Louisiana; or, as in the case of California, by conquest and afterwards by treaty; but the power of Congress to legislate over the Territories is granted in so many words by the Constitution. (Art. 4, sec. 3, clause 2.)

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STATE OF NEW YORK
IN SENATE
January 10, 1892.
REPORT
OF THE
COMMISSIONERS OF THE LAND OFFICE
IN ANSWER TO A RESOLUTION
PASSED BY THE SENATE
MAY 1, 1891.
ALBANY:
J. B. LEECH, STATE PRINTER.
1892.

The following report of the Commissioners of the Land Office, in answer to a resolution passed by the Senate May 1, 1891, is hereby published by order of the Senate.

ALBANY, JANUARY 10, 1892.

COMMISSIONERS OF THE LAND OFFICE.

REPORT OF THE COMMISSIONERS OF THE LAND OFFICE IN ANSWER TO A RESOLUTION PASSED BY THE SENATE MAY 1, 1891.

ALBANY: J. B. LEECH, STATE PRINTER. 1892.

ANNEXATION OF THE HAWAIIAN ISLANDS.

MAY 17, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. DINSMORE, from the Committee on Foreign Affairs, submitted the following as the

VIEWS OF THE MINORITY.

[To accompany H. Res. 259.]

We, the undersigned members of the Committee on Foreign Affairs, report adversely to the passage of the joint resolution, for the following reasons:

First. The people of Hawaii have not been consulted about the proposed annexation.

Second. The people of the United States have not been consulted about the proposed annexation. In fact, we believe and charge that the only hope for Hawaiian annexation, and therefore the desire of the annexationists, is to consummate their scheme under the cry of "war emergency" before the American people can be consulted. In the case of Texas the question of annexation had been one of the issues before the people and had been decided by the nomination and election of those favorable thereto.

Third. The annexation in the manner proposed is unconstitutional. There are two constitutional methods of increasing the domain of our country. One is under the treaty-making power, as all of our territory, including Louisiana, save Texas, has been acquired. This is not the means resorted to here. It was the means first tried, and confessedly it failed. The other is under that clause of the Federal Constitution which gives the power to "admit new States." The power applies only to States, not to territory avowedly not wanted for purposes of statehood, not to colonies, not to military or naval stations. It is true that the Supreme Court, in an obiter dictum, has construed the language "new States," beyond its manifest intendment, to mean territory avowedly proposed to be erected into a State or States. Even granting, for the sake of argument, that this obiter dictum is court-made constitutionality, it does not apply to the case of Hawaii, because the advocates of its annexation not only do not avow any purpose to erect it into a State, but base their argument upon a contrary intent, and thereby obtain the votes of many who would otherwise be against the scheme. (19 How. U. S., 446,447.)

Fourth. The islands are too remote, being 2,100 miles from the nearest point of our coast, and furnish too much additional coast line to be defended, the patrol line around them being over 800 miles.

Fifth. The population is not racially, nor religiously, nor otherwise homogeneous with our own.

Sixth. Political dominion over the islands is not commercially necessary.

Seventh. The islands are not from a naval or military standpoint necessary to our defense, as was admitted by General Schofield before the committee when he said there was but one harbor on the island which could be fitted up as a point d'appui against us. That harbor we already have. Nor are they in any manner necessary, unless we wish as a people to take a new departure from our historical course and become a "colonial power," and, therefore, one of the troublesome and entangling "concert of great powers." If that course shall ever be wise, we are not ready for it now, and are not even willing or ready to get ready for it. At least fifty years of home strengthening and home growth may well be given our people before launching out into this new departure, inimical to our present, if not to our ultimate, interest, and contrary not only to the teachings of our fathers, but to the lines of policy along which we have been so marvelously successful and peaceful and happy in the past.

Eighth. Even if, for the sake of argument, it be granted, first, that Hawaii would be a source of material danger to us if in the hands of a foreign power; and, second, that there exists a single nation willing in the face of our repeated diplomatic declarations of our position with regard to the islands to incur the dangers of war with us in order to seize or hold them—and we refer to history, including diplomatic correspondence with Great Britain and Japan, and also to our geographical situation with regard to other and nearer islands under the sovereignty of foreign powers for a disproof of both assertions—then this danger may be met when the first overt act or open declaration shows its actual existence, or may be prevented and forestalled now by the passage of the following resolutions, which we offer as a substitute to those reported by the majority, to wit:

JOINT RESOLUTION to announce the policy of the United States relative to the Hawaiian Islands.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, 1. That the United States will view as an act of hostility any attempt upon the part of any Government of Europe or Asia to take or hold possession of the Hawaiian Islands, or to exercise upon any pretext or under any conditions sovereign authority therein.

2. That the United States hereby announces to the people of those islands and to the world their guarantee of the independence of the people of the Hawaiian Islands and their firm determination to maintain the same.

HUGH A. DINSMORE.
CHAMP CLARK.
JOHN S. WILLIAMS.
WM. M. HOWARD.

W. GODFREY HUNTER v. JOHN S. RHEA.

MAY 17, 1898.—Ordered to be printed.

Mr. DAVENPORT, from the Committee on Elections No. 1, submitted
the following

REPORT.

[To accompany House Res. No. 299.]

The Committee on Elections No. 1, to whom was referred the contested election case of W. Godfrey Hunter against John S. Rhea, from the Third Congressional district of Kentucky, respectfully report as follows:

By the official returns the contestee was given a majority of 337; the contestant claimed, on his theory of the case, to be elected by a majority of 468.

The issues relate chiefly to questions involving the qualifications of certain voters, upon which differences of opinion naturally arise among honest judges of election and good lawyers.

The testimony in the case was printed and briefs were filed with the committee. Before the case was set for hearing the contestant appeared before the committee and declared that he no longer desired to prosecute his contest; that since he began the same he had been appointed by the President minister of the United States to Guatemala. He has entered upon and is now discharging the duties of that office.

Your committee is of opinion that it does not lose jurisdiction of the case by reason of this announced purpose of contestant to desist from the contest, but can proceed, if it so desires, to hear and report upon it as in other cases.

But in the absence of any suggestion of collusion between the parties, in view of the character of the issues raised, and aided by the facts already recited, we do not deem it necessary to examine in detail the voluminous record in the case, and deem it our duty to confirm contestee's title to the seat he now holds.

We therefore recommend the adoption of the following resolutions:

Resolved, That W. Godfrey Hunter was not elected a Representative to the Fifty-fifth Congress from the Third Congressional district of Kentucky, and is not entitled to a seat therein.

“Resolved, That John S. Rhea was elected a Representative to the Fifty-fifth Congress from the Third Congressional district of Kentucky, and is entitled to retain his seat therein.”

ROBERT W. TAYLER.
ROMULUS Z. LINNEY.
JAMES R. MANN.
E. L. HAMILTON.
S. A. DAVENPORT.
GEO. P. LAWRENCE.
C. L. BARTLETT.
A. F. FOX.
E. E. SETTLE.

BRIDGE ACROSS BLACK RIVER, ARKANSAS.

MAY 17, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. DAVIS, from the Committee on Interstate and Foreign Commerce,
submitted the following

REPORT.

[To accompany S. 2063.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 2063) to authorize the White and Black River Railway Company to build a bridge across the Black River in Arkansas, respectfully report that the same has had careful consideration and recommend the passage of the bill.

The report of the Secretary of War is herewith submitted and made a part of this report.

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, D. C., June 7, 1897.

SIR: I have the honor to return herewith a letter, dated the 4th instant, from the Senate Committee on Commerce, inclosing for the views of the War Department thereon S. 2063, Fifty-fifth Congress, first session, "A bill to authorize the White and Black River Valley Railway Company to build a bridge across the Black River in Arkansas," and in reply to its reference to this office, I beg to recommend certain amendments to the bill, which are indicated on a copy thereof herewith submitted.

As thus amended I know of no objection to the passage of the bill by Congress, so far as the interests of navigation are concerned.

Very respectfully, your obedient servant,

Hon. R. A. ALGER,
Secretary of War.

A. MACKENZIE,
Acting Chief of Engineers.

PHOTOGRAPHING GUNS OF THE UNITED STATES.

MAY 17, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. HULL, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 9553.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 9553) in reference to photographing any guns which would give the strength of any fortification of the United States, having had the same under consideration, report it back to the House with the recommendation that it do pass with the following amendment:

Strike out of the sixth line the words "giving the power of the guns or" and insert in lieu thereof the words "as to."

The bill is indorsed by the War Department in the following letters:

OFFICE OF THE CHIEF OF ENGINEERS,
UNITED STATES ARMY,
Washington, April 13, 1898.

SIR: I have the honor to return herewith H. R. 9553, Fifty-fifth Congress, second session, "A bill in reference to photographing any guns which would give the strength of any fortification of the United States," which was referred to the Secretary of War, for his information and for remark, by the chairman of the Committee on Military Affairs of the House of Representatives.

In my opinion the public interests will be properly guarded if this bill should become a law.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Brig. Gen., Chief of Engineers, U. S. Army.

Hon. R. A. ALGER,
Secretary of War.

(Through the Chief of Ordnance, United States Army.)

OFFICE OF THE CHIEF OF ORDNANCE, UNITED STATES ARMY,
Washington, April 15, 1898.

SIR: Referring to the bill (H. R. 9553) "in reference to photographing any guns which would give the strength of any fortification of the United States," introduced by Mr. Bennett, copy herewith inclosed, I would respectfully inform you that, in my opinion, it is to the interests of the public service that said bill should become a law.

Very respectfully,

D. W. FLAGLER,
Brigadier-General, Chief of Ordnance.

The SECRETARY OF WAR.

[First indorsement.]

WAR DEPARTMENT, April 19, 1898.

Respectfully returned to the chairman Committee on Military Affairs, House of Representatives, inviting attention to the accompanying reports of the Chief of Engineers and Chief of Ordnance, United States Army, dated April 13 and 15, 1898, respectively.

G. D. MEIKLEJOHN,
Assistant Secretary of War.

RESURVEY OF CERTAIN LANDS IN THE STATE OF NEBRASKA.

MAY 17, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. EDDY, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 8739.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 8739) for the resurvey of certain lands in the northern part of Cheyenne County, in the State of Nebraska, having considered the same and the evidence relating thereto, respectfully report as follows:

This bill asks for a resurvey of townships Nos. 21, 22, and 23 north, range 47 west, in said Cheyenne County. From the evidence on file we find that in the original Government survey great errors occurred. That while the plats on file in the land office show said townships to be full regular townships, the lines in fact were so erroneously run that said townships are in fact but 5 miles in width while adjoining townships are 7 miles in width. That all of said lands have been taken by actual settlers who have entered upon said lands in good faith and have improved the same. That by reason of said erroneous survey some of said settlers would get largely in excess of the amount of land to which under the law they are entitled, while others would receive but a small portion of that to which they are entitled. That great confusion and annoyance has resulted to said settlers because of such erroneous survey, as well as much vexatious litigation, and the courts are powerless to afford relief. All of which appears in the petition hereto attached, as well as in the statement of the commissioner of said county, and a statement of H. B. Blair, topographer of the United States.

In the opinion of your committee the bill is a deserving measure.

The bill is therefore reported back with the recommendation that it do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be made a survey of the following lands in Cheyenne County, in the State of Nebraska: Townships twenty-one, twenty-two, and twenty-three north,

range forty-seven west, principal meridian, and so much of the lands adjacent thereto as may be necessary to correct the errors existing in the original survey of said lands. And all rules and regulations of the Interior Department requiring petitions from all settlers on said lands asking for a resurvey and an agreement to abide by the result of the survey, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide claim of any actual occupant of any of said lands so occupied to the amount of land to which, under the law, he is entitled: *And provided further*, That said resurvey shall in no manner affect the rights of bona fide occupants of any of said lands to the land so occupied to the amount which said occupants are entitled to receive from the Government.

To the Honorable Commissioner of the General Land Office, Washington, D. C.:

We, the undersigned, actual bona fide settlers in townships 21, 22, and 23 north, range 47 west of the sixth principal meridian, Cheyenne County, Nebr., do respectfully represent to your honor that the original Government survey of the northern part of said Cheyenne County, and particularly of the townships above described, was carelessly, negligently, and erroneously made; that in said townships 21, 22, and 23, range 47, the official plats on file in the land office show said townships to be 6 miles in width and to contain thirty-six full sections, while from surveys made in the field by the county surveyor, starting from established corners and guided by the Government field notes, it appears that townships 22 and 23 and the north half of 21 are only 5 miles in width from east to west, thus making a shortage of six sections each in townships 22 and 23 and of two sections and one-half a section in township 21, while the township plats on file in the land office show said townships to be full and complete.

We further represent to your honor that the discrepancy between the survey in the field and the official plats has caused great confusion and uncertainty in the location of claims in said townships and has given rise to many disputes and conflicts between settlers in said northern part of Cheyenne County, and more particularly between the settlers in the townships above described; that said conflicts can not be equitably adjusted until an official resurvey is made by the Government and the proper corners and boundaries permanently and officially established.

We therefore pray your honor to cause said northern part of Cheyenne County, and more particularly said townships 21, 22, and 23 north, of range 47 west, sixth principal meridian, Nebraska, to be resurveyed in order that justice may be done and that our titles to our homes may be completed and made secure.

Name.	Residence.			Name.	Residence.		
	Sec.	T.	R.		Sec.	T.	R.
H. E. Smith	29	23	47	Ed Hague	35	23	47
J. T. Rodgers	16	21	47	A. Hague	35	23	47
Victor E. Covalt	26	21	47	John Sabin	25	23	47
Lynne D. Covalt	26	21	47	William C. Brown	4	21	48
John Covalt	26	21	47	R. E. Margesson	8	21	46
S. A. Petty	26	21	47	E. V. S. Pomeroy	4	21	48
J. D. Jordan	17	21	47	S. F. Clark	23	22	47
E. S. Owen	27	22	47	A. Blackburn	3	23	47
A. D. Rodgers	10	21	47	J. C. Moffett	13	21	48
Geo. A. White	34	22	47	Mrs. J. C. Moffett	6	21	47
W. A. Hibler	28	21	47	E. M. Eldred			
John Hague	1 and 2	22	47	Wm. Beznell, sr.	12	23	47
Charles Bowman	7	21	46	Wm. Beznell, jr.	7	23	47

WEYERTS, NEBR., February 7, 1898.

MY DEAR JUDGE: I have written to you on two previous occasions in regard to a resurvey in our county, neither of which I have received an answer to, and thinking that perhaps the matter has escaped your memory, I address you this letter.

You will remember of having received a petition addressed to the Commissioner of the General Land Office and signed by a number of the residents of Cheyenne County, asking the Commissioner of the Land Office to authorize a resurvey by the Government of a certain portion of Cheyenne County (namely, about three townships).

You presented said petition to the Commissioner, with a recommendation to authorize the resurvey. However, the petition was returned, on the ground that under existing official rules and regulations governing resurveys it is required that all of the

resident and nonresident settlers, landowners, and claimants on and to lands in the township or townships to be resurveyed shall unite in signing petition, etc.

We found that it was impossible to get a petition signed by all of the resident and nonresident settlers, landowners, and claimants, because some of the claimants, after filing on the land, never made actual settlement, while others, after making final proof in support of their claims, moved away, and it would be a difficult matter to reach them with a petition. So the only recourse for us now appears to be by a special act of Congress, and we are depending on you to aid us in this respect.

There is no doubt but that the original survey made by the Government was carelessly made, and that an error in said survey does actually exist. The official plats in the land office show these townships to be full and complete, and to contain thirty-six full sections, which is 6 miles square, while by surveys made by the county surveyor, starting from established corners and guided by Government field notes, there appears to be three townships that are only 5 miles wide from east to west, thus making a shortage of six sections in each of the three townships. The discrepancy between the official plats in the land office and actual surveys made in the field has given rise to much confusion and uncertainty as to the location of claims and many disputes between settlers, and promises in the future an endless amount of litigation.

It can not be settled permanently by surveys made by the county surveyor, because surveys started from different points will locate different claimants on the same tract of land.

Our people think they are entitled to a resurvey by the Government because of the error in the original Government survey and inasmuch as the matter can not be satisfactorily and permanently settled any other way.

I wrote you at Kearney in November, sending the petition which was returned by Land Commissioner Herman, also a letter from H. B. Blair, topographer, United States Geological Survey, in which he vouches for the existence of the error in the original Government survey. I also wrote you at Washington in January, but received no reply.

If there are any other papers or evidence that you need in the matter we will be glad to furnish them if we can do so. If you need a petition to Congress signed by residents of our county, we will furnish you with the same.

I hope and trust that you will meet with success in securing for us this much needed legislation.

With kindest regards, I am, yours, respectfully,

W. R. WOOD, *County Commissioner.*

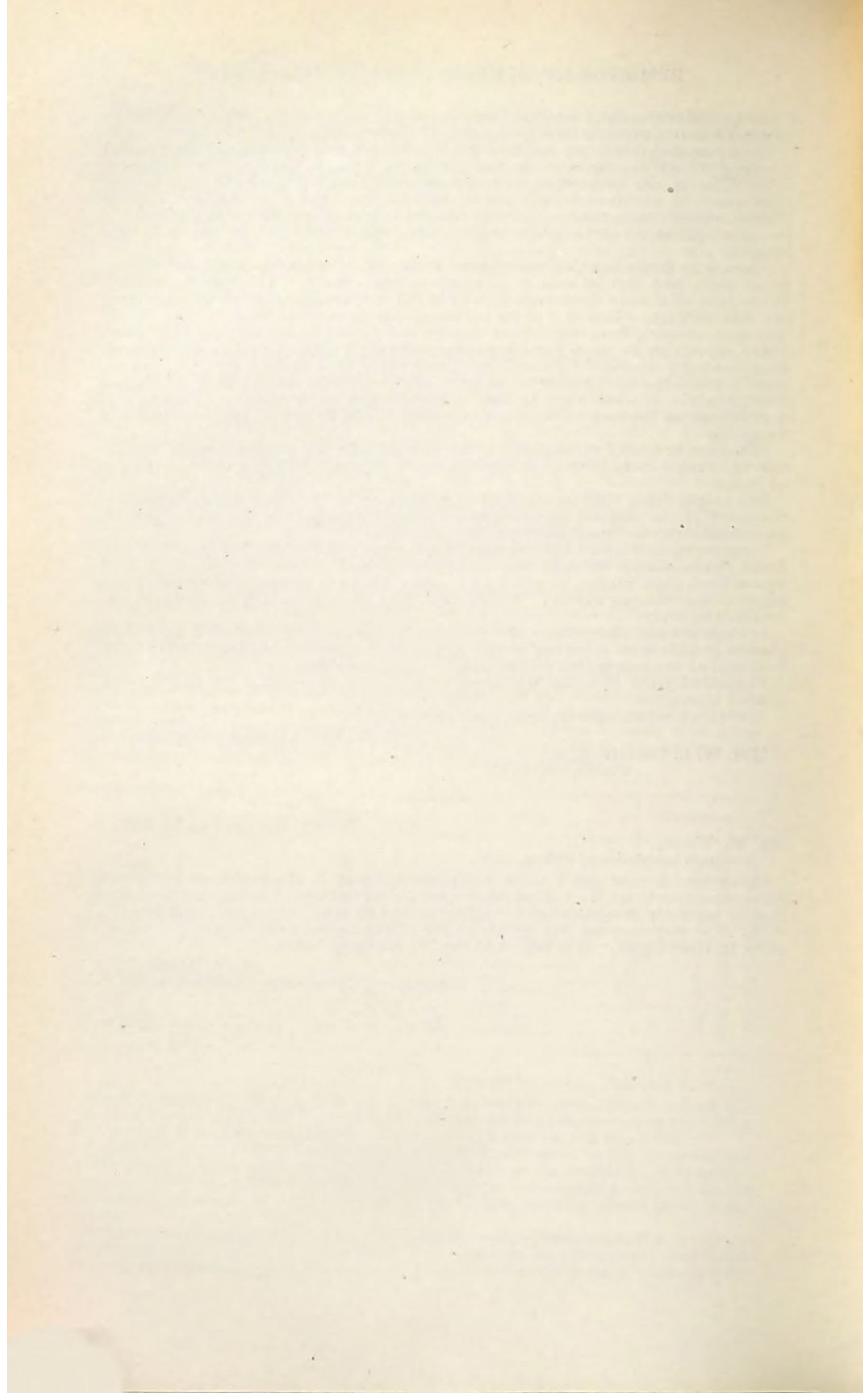
Hon. W. L. GREENE, M. C.,
Washington, D. C.

SIDNEY, NEBR., *June 30, 1897.*

Mr. W. WOOD,
County Commissioner, Sidney, Nebr.

DEAR SIR: A year ago I made a topographic map of the northeast portion of Cheyenne County for the United States Geological Survey. I found that the north line of township 21 north, also townships 22 and 23, range 47 west, is short nearly 1 mile. The map showing this error is on file at the United States Geological Survey office in Washington. It is known as the Browns Creek sheet.

H. B. BLAIR,
Topographer, United States Geological Survey.



DEFICIENCY, PENSIONS, ETC.

MAY 18, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. CANNON, from the Committee on Appropriations, submitted the following

REPORT.

[To accompany H. R. 10378.]

The Committee on Appropriations, to whom was referred House Docs. Nos. 381, 440, 446, 461, 474, and 484, submitting estimates of deficiencies in appropriations for payment of pensions, expenses of United States courts, clerical force of and printing for War Department, and for clerical force in the offices of the Auditors for the War and Navy Departments, having considered the same, report herewith the accompanying bill, making appropriations as follows:

Pensions, payment of	\$8, 070, 872. 46
War Department, clerical force and printing	125, 000. 00
Navy Department, stenographer	1, 997. 75
Office, Auditor for War Department	55, 866. 32
Office, Auditor for Navy Department	13, 295. 72
United States courts, expenses of	170, 000. 00
Total	8, 437, 032. 25

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PRENTICE HOLMES.

MAY 18, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GRIFFIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 5463.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 5463) granting an honorable discharge to Prentice Holmes, having had the same under consideration, submit the following report thereon:

The records of the War Department show that Prentice Holmes was mustered as second lieutenant in Company A, Eighty-sixth New York Volunteers, November 20, 1861, and as first lieutenant to date July 1, 1863, and was discharged from the service by order of the Secretary of War known as Special Orders No. 564, of December 21, 1863, after an examination held by a military board convened under Special Orders No. 298, Headquarters Army of the Potomac, November 18, 1863, issued by command of Major-General Meade, which board reported adversely in the case of the soldier, and the same having been approved by the President, although such board in consideration of the good examination passed by the officer, recommended that instead of dismissal he be reprimanded in general orders. The order organizing the board required it to examine into the capacity, qualifications, propriety of conduct, and efficiency of such officers of volunteers serving in the division as may be ordered before it, the said Prentice Holmes having been ordered before said board upon complaint of Col. B. L. Higgins, of his regiment, to be examined upon the following grounds:

1. As to being deficient in military tactics and of a knowledge of the duties which devolved on him.

2. As being unfit to command by reason of a want of self-respect; playing at cards with enlisted men in his own and their quarters, and having no regard for his personal appearance as an officer.

The records show that the board, after a thorough examination of said Holmes, reported that it did not find him deficient in a knowledge of tactics, and after a careful consideration of the testimony adduced found that he had been guilty of a great want of self-respect in playing

at cards with enlisted men of his regiment; but, in consideration of the good examination passed, recommended that instead of dismissal he be reprimanded in general orders. With the permission of the board, the said Lieutenant Holmes made the following statement in mitigation of his offense:

I have always been in the habit of playing at cards, before I entered the service and since. Since entering the service I have never been admonished not to play at cards, except that about two weeks since I heard the colonel remark that he hated the sight of cards, since which time I have not played. Formerly, when he was captain of the company of which I was second lieutenant, he destroyed all the cards he found in quarters. The company in which I am a lieutenant was raised in my own neighborhood, and is composed of my neighbors and associates, and it is difficult to break up old associations.

The report of the board was disapproved by Brig. Gen. J. H. Hobart Ward, commanding division, on account of the total lack of self-respect exhibited, thereby unfitting the officer to command, and recommended his dismissal. This was transmitted by Maj. Gen. William H. French to Major-General Meade with the indorsement, "The opinion of the board approved," and this was forwarded by Maj. Gen. George G. Meade, commanding Army of the Potomac, to the Adjutant-General of the Army, with a recommendation that the officer be dismissed, but without any reason or further comment. It was thereupon submitted to the Secretary of War by the Adjutant-General, with the recommendation that the adverse decision of the board in the case of Lieutenant Holmes be approved and that he be discharged from the service, which was accordingly done.

The charge as to deficiency in military tactics and knowledge of his duties was not only not sustained, but so utterly groundless that the excellent qualifications of the officer in this regard were such as to justify the board, notwithstanding they found him guilty of playing cards with enlisted men and wanting in self-respect, in recommending that he be reprimanded in general orders instead of being dismissed. We have, therefore, only the charge of playing cards with enlisted men and showing a want of self-respect, the latter being predicated upon the former, constituting the sole grounds for the discharge of the officer. In the opinion of your committee the punishment was extremely disproportionate to the trivial offense of which the officer was found guilty. The dismissal of the officer for the reason and under the circumstances involved in this case must have been prompted by some ulterior motive not disclosed in the evidence and which in the opinion of your committee should not have turned the scale against him, and it would now be but a simple act of justice to right as far as possible the grievous wrong thus committed.

A similar bill was favorably reported by the House Committee on Military Affairs, Fifty-first Congress, and passed the House February 6, 1891.

Your committee recommends that the bill be amended by adding thereto the following proviso, viz:

Provided, That no pay, bounty, or other allowance shall become due or payable by reason of the passage of this act.

and that when so amended the bill do pass.

EAST WASHINGTON HEIGHTS TRACTION RAILROAD
COMPANY.

MAY 18, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. CURTIS, of Iowa, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany H. R. 10293.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10293) to incorporate the East Washington Heights Traction Railroad Company in the District of Columbia, after careful consideration, report the same back to the House with the recommendation that it do pass.

The bill contains the usual provisions regarding the maintenance of the streets adjacent to its tracks, reciprocal trackage privileges, taxation, etc., as is required by Congress in all street-railway charters now and lately granted.

The incorporators named in the bill are men of well-known good repute and financial standing, and this committee is entirely satisfied that the road will promptly be built if the charter is granted. The committee accept as evidence of the good faith of the incorporation in this regard the fact that they have already expended upward of \$500,000 in the section of the District through which the road will pass.

The route of this road will be as follows:

Beginning at the circle at the western approach to the Pennsylvania Avenue Bridge, at a point to be fixed by the Commissioners of the District of Columbia: *Provided*, That this terminus be constructed in accordance with plans to be approved by the Commissioners of the District of Columbia, with a loop or passenger station, or both, as may be considered by them necessary for the interests and convenience of the public; thence across the Anacostia or Eastern Branch of the Potomac River, on a bridge or trestle to be built by said company in accordance with plans to be approved by the Secretary of War; thence along Pennsylvania avenue extended to Branch avenue; thence along Branch avenue to the Bowen road or Albany street; thence along the Bowen road or Albany street to the settlement known as Good Hope; also from the intersection of Branch avenue and the Bowen road to the District line, by a route to be approved by the Commissioners of the District of Columbia; also from the intersection of Minnesota avenue with Pennsylvania avenue extended along Minnesota avenue to Harrison street; also from the intersection of Pennsylvania avenue extended and Twenty-eighth street northward to the Anacostia road; thence along said Anacostia road to a point to be fixed by the Commissioners of the District of Columbia opposite the settlement known as East Washington Park.

It will be noted that this line does not parallel any existing street railway, and that the bill provides that it shall issue free transfers to its patrons to the Capital Traction Company at the point where connection is made with the lines of that road.

The committee have given special and full consideration to the needs and wishes of the people residing in the territory to be served by this company, who have by petition signed by over 1,000 residents and property owners along the proposed line, by resolution, and by personal appearance before the District Committee urged the passage of this measure. Your committee have also been furnished with a petition signed by the owners of 97 per cent of the property along the proposed route, urging the early enactment into law of this bill.

The lines of this road will accommodate several villages—Twining, Good Hope, Garfield, also East Washington Heights—which are now absolutely without street-car facilities of any kind, and will open to easy access a large section of country beautifully adapted to residence purposes.

By reference to the map it will be noted that the East Washington Heights Traction Railway Company will serve a section of the District entirely different from that which can possibly be served by any previously chartered railway system within the District of Columbia.

The bill in its present shape is recommended by the Commissioners of the District of Columbia, and has the unanimous approval of the committee.



BRIDGE ACROSS THE MISSOURI RIVER AT OR NEAR
QUINDARO, KANS.

MAY 18, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. FLETCHER, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 9075.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 9075) to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company, having had the same under consideration, report the bill back to the House with the recommendation that it do pass with the amendments, as indicated in the bill, recommended by the Secretary of War and the Chief of Engineers, United States Army, together with the recommendations of the president Missouri River Commission, all of which are hereto attached and made a part of this report.

[First indorsement.]

WAR DEPARTMENT, *April 1, 1898.*

Respectfully returned to the chairman of the Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the accompanying report of the Chief of Engineers, United States Army, dated March 30, 1898, and copy of the report of Lieut. Col. Amos Stickney, Corps of Engineers, United States Army, president Missouri River Commission, dated March 25, 1898, recommending modification of the bill, in accordance with the resolution of the Missouri River Commission, as indicated on copy of the same, herewith submitted.

R. A. ALGER,
Secretary of War.

OFFICE OF THE CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, March 30, 1898.

SIR: I have the honor to return herewith a letter, dated the 18th instant, from the Committee on Interstate and Foreign Commerce of the House of Representatives, inclosing, for the views of the War Department thereon, H. R. 9075, Fifty-fifth Congress, second session, "A bill to authorize the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company," and in reply to its reference to this office, I beg to say that the bill has been under consideration by Lieut. Col. Amos Stickney, Corps of Engineers, the president of the Missouri River Commission, who recommends certain amendments thereto, which are indicated on a copy of the same, herewith submitted, and explained in his report of the 25th instant, to which attention is respectfully invited.

In accordance with a resolution adopted by the Missouri River Commission, Colo-

nel Stickney recommends the elimination of that portion of the bill permitting the construction of a drawbridge.

I concur in the views of Colonel Stickney.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Brig. Gen., Chief of Engineers, U. S. Army.

Hon. R. A. ALGER,
Secretary of War.

MISSOURI RIVER COMMISSION, OFFICE OF THE PRESIDENT,
St. Louis, Mo., March 25, 1898.

GENERAL: I have the honor to return herewith, with such amendments indicated thereon as appear to me to be desirable and necessary, H. R. 9075, Fifty-fifth Congress, second session, authorizing the construction of a bridge across the Missouri River at or near Quindaro, Kans., by the Kansas City, Northeastern and Gulf Railway Company, referred to me for report by your letter of March 18, 1898.

The bill appears to be a revival of two former acts for bridging the Missouri River near Quindaro, Kans., the first of which was approved March 1, 1889, and June 28, 1890, and the second on October 1, 1890.

The plans for the bridge under the first-named acts were approved by the Secretary of War December, 1, 1890; its site was about 3,500 feet below Quindaro.

Plans for the last-named bridge are in possession of this office, but were never approved by the Secretary of War. Its proposed site was about 200 feet below Quindaro Landing and corresponds closely with the location of the bridge proposed by the bill under consideration.

Neither of the bridges authorized under the acts of 1889 and 1890 were built. The act authorizing the first bridge became void by time limitation for completion on March 1, 1893.

Both of these bridge plans were designs for high bridges. The first provided for two 500-foot spans, with a long open trestle on the left bank. The second provided for three 425-foot spans, with open trestle on left bank and a short connecting truss on the right bank.

The Missouri River Commission have always opposed the construction of drawbridges over the Missouri River, on the ground that they formed an unnecessary obstruction to navigation. Their views were expressed in a resolution adopted September 10, 1888, on the requirements which should be fulfilled by all bridges over the Missouri River, and that portion of this resolution is here quoted which refers to the reach of river in which the proposed bridge is situated:

"That all bridges over the Missouri River below the mouth of the Platte River and above the mouth of the Kaw River shall be high bridges, with unbroken and continuous spans, having at least one channel span of not less than 400 feet clear channel way, all other spans over the waterway to have a clear channel way of not less than 300 feet, and all spans shall have a clear headroom of not less than 50 feet above high-water mark."

The drawbridge proposed by the bill would be more objectionable than any other on the river, as its specified fixed spans (not less than 160 feet) are much shorter than those of any other bridge on the river and its draw spans are shorter than of those of recent construction.

I concur in the views of the commission, and recommend that the bill be modified in accordance with their resolution.

In a river of the character of the Missouri, with its caving banks, unstable bottom, variable channels, and swift and changeable currents, where navigation at its best is not unattended with difficulties, it becomes important that the injurious effects of any artificial, though necessary, obstruction, such as bridges and their piers, should be reduced to a minimum.

Instances have occurred when for over two months drawbridges on the Missouri River have become the practical head of navigation on account of the channel moving under one of the fixed spans, and even in the bridges of the widest spans the direction of flow frequently becomes oblique to the axis of the bridge, on account of which boats have been carried against the piers and wrecked.

The Missouri River Commission do not favor the imposition of any prohibitory restrictions regarding the lengths and heights of spans, and their recommendations are well within the limits of economical and successful construction.

Very respectfully, your obedient servant,

AMOS STICKNEY,
Lieutenant-Colonel of Engineers, U. S. A., President Missouri River Commission.
Brig. Gen. JOHN M. WILSON,
Chief of Engineers, United States Army, Washington, D. C.

REVENUE-CUTTER SERVICE.

MAY 18, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. BENNETT, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 10379.]

The Committee on Interstate and Foreign Commerce, to whom was referred several bills to promote the efficiency of the Revenue-Cutter Service, unanimously report the accompanying bill as a substitute therefor and recommend the passage of the same for the benefit of the Government and the improvement of the Revenue-Cutter Service.

There is nothing in existing law covering even remotely the provisions of this bill.

As an organized integral arm of the public service, similar in features and duties to the organized Navy, it is obvious to your committee that it is imperative that the safeguards of law should be thrown around it, not only for the protection and well-being of the service itself, but as well for the advancement and promotion of its efficiency in matters of discipline and good administration.

The provisions of this bill are largely extensions of existing laws governing the kindred branches of the national services, the Army, Navy, and Marine Corps.

That the Revenue-Cutter Service should have the safeguards of law thrown around it, as have the kindred services, must be evident from its past and present status as an arm of the national defense. The service itself is as old as the Government, having been organized in 1790, and has taken an active and meritorious part in every war in which the nation has been involved from the quasi French war to the present war with Spain. Without going into the history of the service, and recounting its deeds in past wars, it is enough to show that since the beginning of the present war its vessels have taken a conspicuous and gallant part with the blockading and fighting fleets.

The revenue cutter *Hamilton* was the first of them to draw the fire of the enemy, when she landed a party of Cubans on a mission to the Cuban generals in the field, and in doing so was compelled to shell the coast and drive out Spanish soldiers. When the *Hamilton* first approached the shore the Spaniards opened a hot fire upon her, but she silenced them and landed her party without mishap.

The cutter *Morrill*, on the 6th instant (May, 1898), was in a lively fight off the Santa Clara batteries, when she, in company with the gunboat *Vicksburg*, attempted to capture a schooner which the Spaniards had sent out as a decoy from Havana. The *Morrill* and *Vicksburg* ran dangerously close to the Cuban coast, when the guns of Santa Clara battery opened on them with 10 and 12 inch shell, to which the American vessels replied with their smaller guns.

The *Manning*, another cutter, was with the Dorst expedition in its attempt to land United States soldiers, arms, and ammunition for the Cuban insurgents on the coast of Cuba, and shelled the woods, thus covering the landing of the troops.

The fight at Cardenas, where Ensign Bagley and four of the crew of the naval torpedo boat *Winslow* lost their lives, was participated in by the cutter *Hudson* from the beginning to the end. After the *Winslow* was disabled by the enemy's fire, her commanding officer severely wounded, one of her officers and four of her crew dead on her deck, the cutter *Hudson*, under a shower of shot, shell, and shrapnel from the enemy's batteries, got a line to the *Winslow* and towed her to a place of safety, thus rescuing her wounded commander, the remainder of her crew, and saving the *Winslow* itself.

The revenue cutter *Windom* was in the fight at Cienfuegos when the boats' crews from the gunboats *Nashville* and *Marblehead* cut the telegraph cables at that place, and it was the guns of the *Windom* which demolished the light-house, the rallying point of the Spanish forces on shore, scattered them, and ended the fight.

Section 13 of this bill provides for the amendment of section 2757, Revised Statutes, in order that the officers of the Revenue-Cutter Service may at least be entitled to receive the same compensation as naval officers while in cooperation with them under the provisions of existing law.

Your committee unanimously submit a favorable report on the bill with the recommendation that it be enacted into law.



STEAM ENGINEERING, ETC., DISTRICT OF COLUMBIA.

MAY 18, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. CURTIS, of Iowa, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany H. R. 9693.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 9693) to regulate steam engineering and the inspection of stationary steam engines and boilers in the District of Columbia, after careful consideration, beg leave to report the same back to the House with the recommendation that it do pass, with the following amendments:

In line 1, page 2, strike out the words "two thousand" and insert in lieu thereof the words "fifteen hundred."

Strike out the word "stationary" in line 21, all of lines 22 and 23, and the words "working at their trade" in line 24 and insert in lieu thereof the words "reputable citizens of the District of Columbia."

Strike out all of section 10 and change the numbers of sections 11, 12, 13, 14, 15, 16, and 17 so that they shall be numbered 10, 11, 12, 13, 14, 15, and 16, respectively.

The committee has given a hearing to the Engineers' Association of the District of Columbia, and the bill as amended is approved by that association, and also has the unanimous approval of the committee and of the Commissioners of the District of Columbia, as per their letter of April 2, 1898, which is made a part of this report.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 2, 1898.

DEAR SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of a bill to regulate steam engineering and the inspection of stationary steam engines and boilers in the District of Columbia, which was prepared at their instance, and request that you will cause the same to be introduced in the House as early as practicable.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Hon. J. W. BABCOCK,
Chairman Committee on the District of Columbia.

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POST QUARTERMASTER-SERGEANTS.

MAY 19, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 10051.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 10051) entitled “A bill to increase the number of post quartermaster-sergeants in the United States Army,” report the same back to the House with the recommendation that it do pass.

The increase in the number of post quartermaster-sergeants in the United States Army seems to be necessary for the efficiency of the service. The Quartermaster-General, in a letter to the chairman of the Committee on Military Affairs dated May 17, 1898, sets forth the cost of twenty-five additional post quartermaster-sergeants; also the cost of twenty-five clerks that would be necessary in case this bill should not become a law.

This letter, which is hereto attached and made a part of this report, shows that it will be a saving of over \$9,000 per annum to have this work done by post quartermaster-sergeants.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, May 17, 1898.

SIR: Replying to your telegram of to-day, in reference to difference in pay or cost of 25 additional post quartermaster-sergeants requested by this Department, I have the honor to invite your attention to the following:

Pay and allowance of a post quartermaster-sergeant for first five years of enlistment.

	First year.	Second year.	Third year.	Fourth year.	Fifth year.	Total.
Pay.....	\$408.00	\$408.00	\$420.00	\$432.00	\$444.00	\$2,112.00
Clothing.....	63.14	26.28	36.96	26.28	23.72	176.38
Rations.....	65.70	65.70	65.70	65.70	65.70	328.50
Fuel, estimated value for one year.....	32.00	32.00	32.00	32.00	32.00	160.00
Total for five years.....						2,776.88
Average cost, 1 sergeant, one year.....						555.37
Cost, 25 sergeants, one year.....						13,884.25
Add 20 per cent increase in time of war on pay proper, act approved April 26, 1898.....						2,112.00
Total cost, 25 sergeants, one year, war basis.....						15,996.25

The sergeants are also furnished with quarters, medical attendance, etc., which can not well be reduced to a money value.

In answer to your second telegram as to difference in expense in case civilian clerks are provided in lieu of post quartermaster-sergeants, I would say that the 25 clerks could not be secured for a less sum than \$1,000 per annum each, making a total of \$25,000 per annum for the 25 men, which is considerable more than the cost of 25 post quartermaster-sergeants.

Post quartermaster-sergeants are selected from sergeants of the line who are familiar with quartermasters' duties, and who are required to pass a special examination before appointment. We already have a large number of examined candidates ready for appointment. Civilian clerks would not only be more expensive to the Government but would not meet so well the requirements of the military service, nor would civilian clerks answer in the present emergency, which calls for men expert in quartermasters' duties.

Post quartermaster-sergeants are what the service actually requires, and I hope and earnestly recommend that they be provided.

Very respectfully,

M. I. LUDINGTON,
Quartermaster-General U. S. A.

Hon. J. A. T. HULL,
House of Representatives, Washington, D. C.

[House Document No. 384, Fifty-fifth Congress, second session.]

WAR DEPARTMENT,
Washington, D. C., March 28, 1898.

SIR: I have the honor to inclose herewith copy of a letter of the Quartermaster-General of the Army, dated March 26, 1898, in which he represents that, in view of the recent establishment of new artillery posts on the seacoast, it is impracticable, with the present authorized number of post quartermaster-sergeants (80) to fill requisitions for the services of such sergeants without withdrawing sergeants from other stations where they are needed, and recommends that the number be increased not less than 25.

The recommendation is concurred in by the Adjutant-General of the Army.

Very respectfully,

R. A. ALGER, *Secretary of War.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, March 26, 1898.

SIR: I have the honor to invite your attention to the act of Congress approved July 5, 1884, relating to post quartermaster-sergeants, which reads as follows:

"That the Secretary of War is authorized to appoint, on the recommendation of the Quartermaster-General, as many post quartermaster-sergeants, not to exceed eighty, as he may deem necessary for the interests of the service, said sergeants to be selected by examination from the most competent enlisted men of the Army who have served at least four years, and whose character and education shall fit them to take charge of public property and to act as clerks and assistants to post and other quartermasters; said post quartermaster-sergeants shall, so far as practicable, perform the duties of storekeepers and clerks in lieu of citizen employees. The post quartermaster-sergeants shall be subject to the Rules and Articles of War, and shall receive for their services the same pay and allowances as ordnance sergeants."

Since the enactment of the above law and the appointment of the post quartermaster-sergeants thereunder, the services of these sergeants have proven highly satisfactory and valuable to the quartermaster's department at military posts, where they assist the quartermaster in the performance of duties of storekeepers and clerks in lieu of citizen employees.

The full complement of these sergeants (80), as now provided by law, are in the service, and, with only two exceptions, are now on duty at military posts.

In view of the recent establishment of new artillery posts on the seacoast, applications are now coming in from these posts for the services of a post quartermaster-sergeant, and this office finds that, with the present authorized number of sergeants, these requisitions can not be filled without withdrawing sergeants from other stations where they are needed, which would be detrimental to the public interest.

To meet the new conditions created by the establishment of so many new posts, an increase of not less than 25 post quartermaster-sergeants in the number now allowed by law is actually required. I therefore recommend that the necessary steps be taken with a view to securing immediate legislation from Congress increasing the number of post quartermaster-sergeants from 80 to 105. The method of appointment, examination, and other requirements, duties, pay, and allowances of the additional number should be governed by the present law relating to these sergeants.

Very respectfully,

M. I. LUDINGTON,

Quartermaster-General United States Army.

The SECRETARY OF WAR.

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HOSPITAL STEWARDS IN THE UNITED STATES ARMY, ETC.

MAY 19, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. HULL, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 4556.]

The Committee on Military Affairs, to whom was referred the bill (S. 4556) entitled "An act to suspend certain provisions of law relating to hospital stewards in the United States Army," report the same back to the House with the recommendation that it do pass with the following amendment, by adding: "*Provided*, That the increase of hospital stewards under this act shall not exceed one hundred."

Your committee find that the law now in force authorizes the appointment of not to exceed 100 hospital stewards and that the emergency now existing requires an addition to this number.

General Sternberg has stated for the benefit of the committee that 100 hospital stewards in addition to those already authorized by law will be sufficient. With this information the committee have amended the bill as before stated.

General Sternberg's telegram to the chairman of the committee, together with other correspondence from the War Department, is hereto annexed and made part of this report.

[Telegram.]

WAR DEPARTMENT, *May 17, 1898.*

Hon. J. A. T. HULL:

In my opinion, 100 hospital stewards in addition to those already authorized will be sufficient.

STERNBERG.

WAR DEPARTMENT,
Washington, April 25, 1898.

SIR: I have the honor to transmit herewith a letter from the Surgeon-General of the Army, stating that by the act of Congress approved March 16, 1896, the number of hospital stewards of the Hospital Corps, United States Army, was reduced to 100 and requesting, for reasons therein set forth, that this restriction be removed. Favorable consideration is recommended.

Very respectfully,

R. A. ALGER,
Secretary of War.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

2 HOSPITAL STEWARDS IN THE UNITED STATES ARMY, ETC.

WAR DEPARTMENT, SURGEON-GENERAL'S OFFICE,
Washington, April 25, 1898.

SIR: By the act of Congress approved March 16, 1896, the number of hospital stewards of the Hospital Corps, United States Army, which up to that time had been restricted only by the needs of the service, was reduced to 100.

I have the honor now to request that this restriction be removed in view of the increase of military posts and the necessity for additional hospital stewards in the field.

Very respectfully,

GEO. M. STERNBERG,
Surgeon-General, United States Army.

The SECRETARY OF WAR.

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BRIGHTWOOD RAILWAY COMPANY.

MAY 19, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. CURTIS, of Iowa, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany H. R. 10280.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10280) to require the Brightwood Railroad Company to abandon its overhead trolley on Kenyon street between Seventh and Fourteenth streets, after careful consideration of the subject, report the bill back to the House with the recommendation that it do pass with the following amendments:

In title of bill strike out the word "Railroad" and insert in lieu thereof the word "Railway."

Page 1, line 3, strike out the words "Avenue Railroad" and insert in lieu thereof the word "Railway."

Page 1, line 9, strike out the words "three years" and insert in lieu thereof the words "one year."

Page 2, line 1, strike out the words "three years" and insert in lieu thereof the words "one year."

Page 2, line 7, add the following:

And after the expiration of said thirty days said Brightwood Railway Company shall be liable to a fine of twenty-five dollars a day for each day its tracks, or any part thereof, or its poles, or any one of them, shall remain in said Kenyon or Marshall streets, said fine to be collected in any court of competent jurisdiction at the suit of the Commissioners of the District of Columbia.

The above amendments are made at the suggestion of the Commissioners of the District of Columbia and with the concurrence of your committee.

The Brightwood Railway Company runs a shuttle car over its Kenyon and Marshall streets branch; there is no conductor, and no fares are charged or collected. This branch of the road can not pay operating expenses, and in its present condition of track and surface acts as a detriment to the development of the street upon which it exists. It is believed by the committee that the requirements of this bill—that they must within one month from the passage of the act vacate that part of their road on Kenyon and Marshall streets between Seventh and Four-

teenth streets, and remove its tracks and poles therefrom, without abandoning its entire charter—are just to both the public and the railway company.

It is also provided that said company shall have the right, at any time within one year from the passage of this act, to equip and operate said road with underground electric power, such as is now being used by the Metropolitan Railroad Company. If the company neglect or refuse to so equip the said road within one year, their right to do so shall stand forfeited and their charter repealed as to said part of said road.

The proposed legislation has the earnest support of the property holders living along this route. Your committee incorporate as a part of their report the following petition:

To the Senate and House of Representatives in Congress assembled:

We, the undersigned property owners and residents of Kenyon and Marshall streets, between Seventh and Fourteenth streets, respectfully represent that the Brightwood Avenue Railroad Company is now occupying said Kenyon and Marshall streets by a short-line railroad, propelled by overhead electric trolley. To support the wires used in the operation of said road it has and is maintaining large and unsightly poles, erected on both sides of said streets, with the wires aforesaid stretched from one sidewalk to the other. That said railroad track is for the greater part of the distance of the said streets above the level of the roadbed of same, thus interfering greatly with the travel thereon. Said cars when in motion make the most obnoxious and disagreeable noises, and by reason thereof interfere with the peaceful sleep and rest of your petitioners, who reside on said streets.

Upon the whole, said road is the most abominable specimen of railroad that is now in operation in any part of the District of Columbia; that said road, in the opinion of your petitioners, is of no benefit whatever to the residents of said streets or any other section, said cars not carrying, to the best of petitioners' belief, on an average more than from 15 to 20 passengers per day, and is entirely useless and unnecessary for the public good and a nuisance to said neighborhood.

Your petitioners therefore respectfully request that said road be required by a law, to be passed by your honorable body, to abandon the use of the overhead trolley system on said streets and place its motive power underground, or else abandon said road altogether.

Chas. F. Calhoun, 1333 Kenyon street; Robert Kopp, 1323 Kenyon street; Samuel Baxter, 1221 Kenyon street; Judson D. Cobb, 1219 Kenyon street; Samuel G. Rogers, 1223 Kenyon street; Jacob Madert, 1322 Kenyon street; B. A. McInturff, 1337 Kenyon street; W. A. Murkell, 1370 Kenyon street; J. T. Hundley, 1321 Kenyon street; T. F. Gallo-way, 1351 Kenyon street; Mrs. J. Brown, 1346 Kenyon street; George W. Myers, 1349 Kenyon street; Charles A. Hamilton, 1305 Kenyon street; Emanuel Washington, 926 Kenyon street; Arlena M. Gordon, 810 Marshall street; Steven D. Hurraday, 808 Marshall street; Robert Brown, 806 Marshall street; Annie S. Holmes, 821 Marshall street; Florida V. Henderson, 741 Marshall street; Edgar Ball, 735 Marshall street; William Böhme, 727 Marshall street; C. H. Williams, 725 Marshall street; M. E. Warfield, 721 Marshall street; W. E. Franks, 719 Marshall street; Andrew Schickler, 715 Marshall street; Michael Kelly, 705 Marshall street; Geo. Simmons, owner of Nos. 1300, 1301, and 1307 Kenyon street.

The legislation is also urged by the Columbia Heights Citizens' Association, and the committee also incorporates as a part of its report, which will further explain the situation and show the necessity of some legislation of this kind, the following resolutions, which were unanimously adopted at a meeting of this association held on March 1, 1898:

The Columbia Heights Citizens' Association in meeting assembled.

Whereas the Brightwood Avenue Railroad Company is operating a short line railroad on Kenyon and Marshall streets, between Seventh and Fourteenth streets, with an overhead trolley, having large and unsightly poles planted on either side of said streets, its wires stretched from one side of the street to the other, and being the only railroad in the District of Columbia allowed to maintain such construction.

And whereas it further appears that the car used on said road is old and unfit for use, being, as this association is informed, in a dilapidated condition, thus causing

unnecessary noise while in operation, to the great annoyance of residents on said streets;

And whereas it is also apparent to this association that said Kenyon street is less improved by residents than any other street in Columbia Heights, and it is believed by this association that said railroad, by reason of the condition of same, and the way in which it is operated, is the prime cause, if not the absolute cause of said street being behind in improvement, thus depriving the District government of a considerable revenue by way of taxation;

And whereas the residents of said street have petitioned Congress to "require said road to place its motive power underground and abandon the overhead system or else abandon said road altogether;" and this association believing it to be for the best interest of the owners of property and residents of said street, as well so for the District government, that such action should be taken;

This association being credibly informed that said road does not carry on an average of more than 50 passengers per day, and the majority of those being nurses and children, who ride back and forth only for pleasure, without paying anything, there being no fare collected on said part of said road;

It is apparent therefore, that said road is unnecessary and without any benefit to the public, and detrimental to said railroad company; and that said railroad company is only maintaining same with the hope of extending its charter by reason thereof:

That upon the whole said railroad is an abominable nuisance to the residents of said street in its present condition and unworthy of recognition by the citizens or officials of the District of Columbia;

Therefore be it resolved, That this association in meeting assembled respectfully and earnestly requests Congress to pass House bill No. 10280, requiring said railroad company either to equip its road with underground electric power or to abandon same altogether.

That the president of this association appoint three members of same, as a special committee to urge upon the Commissioners of the District of Columbia the necessity of their cooperation in this behalf, and also to appear before the committees of Congress in charge of the affairs of the District of Columbia, and urge the passage of said bill.

That a copy of these resolutions be sent to the Commissioners of the District of Columbia and the committees of the House and Senate in charge of the affairs of the District of Columbia.

The committee also recommends that H. R. 7944, relating to this same subject, be laid upon the table.



TELEPHONE FROM TABLE BLUFF TO SALMON CREEK, CALIFORNIA.

MAY 19, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BARHAM, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 9513.]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 9513) providing for the construction of a telephone from Table Bluff to Salmon Creek, in Humboldt County, Cal., having had the same under consideration, report that the bill was referred to the Secretary of the Treasury, who approves the same, his letters relating thereto being hereto attached and made a part of this report.

Your committee therefore unanimously recommend the passage of the bill.

TREASURY DEPARTMENT,
Washington, D. C., April 8, 1898.

SIR: I have the honor to acknowledge the receipt of your letter of April 5, 1898, inclosing H. R. 9513, a bill to construct a telephone from Table Bluff to Salmon Creek, in Humboldt County, Cal., and asking that the committee be furnished with suggestions touching the merits of the bill and the propriety of its passage.

At the instance of the Light-House Board the matter has been referred to the officers of the Twelfth light-house district for their views.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives, Washington, D. C.

TREASURY DEPARTMENT,
Washington, D. C., April 22, 1898.

SIR: Referring again to the letter from your committee dated April 5, 1898, inclosing House bill 9513 to construct a telephone from Table Bluff to Salmon Creek, in Humboldt County, Cal., I have the honor to inform you that the Light-House Board reports that the officers of the Twelfth light-house district, to whom your letter and the bill inclosed were referred for their views, have replied that the construction of such a telephone would be of great service, and recommending its construction.

The Department therefore approves the passage of the bill in question.

Respectfully, yours,

L. J. GAGE, *Secretary.*

The CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives.

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FRANCES E. UTLEY DAVIS.

MAY 19, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. RAY, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 10080.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10080) granting a pension to Frances E. Utley Davis, have examined the same and all the evidence relating thereto and respectfully report:

This bill, as amended, proposes to grant a pension of \$12 per month to Frances E. Utley Davis, of South Edmeston, Otsego County, N. Y. In effect it restores her to the pension roll.

This claimant is the widow of Eugene M. Utley, who served in Company F, One hundred and fourteenth New York Volunteer Infantry, from August 11, 1862, to October 26, 1864, when he died in service from the effect of gunshot wounds received in battle at Cedar Creek, Va., and which battle was fought on the 19th of that month.

This claimant was pensioned until September 15, 1868, when she married one Alonzo M. Davis, who died October 8, 1896, leaving this widow, now 59 years of age, without means, income, or property of any kind. She was married to the soldier December 11, 1860. Every condition established by this committee as necessary for the restoration of a so-called remarried widow to the pension roll is fully and conclusively met in this case.

1. Claimant was the wife of the soldier during the war.

2. Her husband died from wounds received in battle.

3. She is a woman of good character, now a widow, and in most necessitous circumstances.

She has no one on whom she can depend for support.

The remarriage of this war widow saved the Government \$2,688, and was an act honorable in itself. A grateful country, in her old age and necessitous circumstances, will not permit her to become a public charge.

The bill is reported back with a recommendation that it pass.

STATE OF NEW YORK, *County of Chenango*, ss:

On this 11th day of April, A. D. 1898, personally appeared before me, a justice of the peace, a court of record within and for the county and State aforesaid, Frances E. Utley Davis, aged 59 years, who, being duly sworn according to law, makes the following declaration, asking to be restored to the pension roll: I am the identical Frances E. Utley who was pensioned on the rolls of the agency at the Department

of the Interior and whose pension certificate (No. 57890) is herewith returned; and that I was paid last at said agency to the 4th day of September, 1868; that I since resided as follows: Four years at Marathon, Cortland County, N. Y., and the rest of the time, nearly twenty-six years, at South Edmeston, Otsego County, N. Y. I am now a widow and dependent, and I was married to Alonzo M. Davis September 15, 1868.

I hereby appoint, with full power of substitution and revocation, George W. Ray, of Norwich, N. Y., my attorney to prosecute the above claim; that my residence is in South Edmeston, in the county of Otsego and State of New York, and my post-office address is South Edmeston, Otsego County, N. Y.

FRANCES E. UTLEY DAVIS.

GRACE L. MATTERSON.

A. WARNER.

Also personally appeared Grace L. Matterson, residing at South Edmeston, N. Y., Otsego County, and A. Warner, residing at Edmeston, Otsego County, N. Y., persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say they were present and saw Frances E. Utley Davis, the claimant, sign her name to the foregoing declaration; they have every reason to believe, from the appearance of said claimant and their acquaintance with her, that she is the identical person represented to be; and that they have no interest in the prosecution of this claim.

GRACE L. MATTERSON,
A. WARNER.

Sworn to and subscribed before me this 11th day of April, A. D. 1898; and I hereby certify that the contents of the above declaration, etc., were fully made known and explained to the applicant and witnesses before swearing, and that I have no interest, direct or indirect, in the prosecution of this claim.

DELOSS W. MATTERSON,
Justice of the Peace.

STATE OF NEW YORK, *County of Chenango*:

In the matter of claim of Frances E. Utley, widow of Eugene M. Utley, who was a sergeant, Company F, One hundred and fourteenth Regiment New York Volunteers.

Personally came before me, a justice of the peace in and for aforesaid county and State, John Spurr, aged 61 years, residence Columbus, Chenango County, N. Y., a person of lawful age, who, being duly sworn, declares in relation to the aforesaid case as follows:

I was present at the marriage of Frances E. Utley to Alonzo M. Davis; have known her and her first husband, Eugene M. Utley; was with him in the service. Alonzo M. Davis died October 8, 1896, and his wife, the claimant, is now a widow and dependent.

The above affidavit was written by me personally; and I further declare that I have no interest in said case and am not concerned in its prosecution.

JOHN SPURR.

Sworn to and subscribed before me this 14th day of April, 1898.

DELOSS W. MATTERSON,
Justice of the Peace.

The affiant is to me well known and respectable and worthy of credit; and I further declare that I have no interest, direct or indirect, in the prosecution of this claim.

DELOSS W. MATTERSON,
Justice of the Peace.

STATE OF NEW YORK, *County of Chenango*, ss:

In the matter of claim of Frances E. Utley Davis, widow of Eugene M. Utley, who was a sergeant, Company F, One hundred and fourteenth Regiment New York Volunteers.

Personally came before me, a justice of the peace in and for aforesaid county and State, William R. Lough, M. D., of the town of Edmeston, Otsego County, N. Y., who, being duly sworn, declares in relation to the aforesaid case as follows:

I have been a practicing physician for the past sixteen years. I have known Alonzo M. Davis about one year before his death, which time I was his family phy-

sician. He died on the 8th day of October, 1896. An autopsy was made by Dr. Philo Chesebrough, of Edmeston, and Dr. A. L. Powers, of South Edmeston, with myself being present.

This is in my own handwriting, and true facts of the case.

WM. R. LOUGH, M. D.

Subscribed to and sworn before me this 13th day of April, 1898.

DELOSS W. MATTERSON,
Justice of the Peace.

STATE OF NEW YORK, *County of Chenango, ss:*

In the matter of claim of Frances E. Utley Davis, widow of Eugene M. Utley, and who was a sergeant, Company F, One hundred and fourteenth Regiment New York Volunteers.

Personally came before me, a justice of the peace in and for aforesaid county and State, A. L. Powers, M. D., of the town of Edmeston, Otsego County, and State of New York, who, being duly sworn, declares in relation to aforesaid case as follows:

I have been a practicing physician for the past eight years, and have known Alonzo M. Davis about one year previous to his death. He died on the 8th day of October, 1896. An autopsy was made by Dr. Wm. R. Lough, Dr. Philo Chesebro, and myself being present. At the present writing the said Frances E. Utley Davis is a widow and dependent.

This is my own handwriting, and true facts of the case.

A. L. POWERS, M. D.

I further declare that I have no interest in said case and am not concerned in its prosecution.

A. L. POWERS, M. D.

Sworn to and subscribed before me this 15th day of April, 1898.

DELOSS W. MATTERSON,
Justice of the Peace.

[No. 57890. Department of the Interior. Widow's claim.]

I certify that Frances E. Utley, widow of Eugene M. Utley, who was a sergeant, Company F, One hundred and fourteenth Regiment New York Volunteers, in the service of the United States, is entitled, under the provisions of the act of Congress approved July 14, 1862, to receive pay at the rate of \$8 per month, to commence on the 26th day of October, 1864, and to continue during life unless she shall again marry, in which case the pension is not payable after the date of such marriage.

Given at the Department of the Interior this 21st day of October, 1865.

W. T. OTTO,
Acting Secretary of the Interior.

Countersigned:

JOSEPH H. BARRETT,
Commissioner of Pensions.



JOEL BLACKMAN.

MAY 19, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. WARNER, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 4400.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 4400) granting an increase of pension to Joel Blackman, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from \$12 to \$30 per month the pension of Joel Blackman, of Swanzey, N. H.

The bill is reported back with the recommendation that it pass.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 4400) granting an increase of pension to Joel Blackman, have examined the same and report:

This soldier enlisted September 15, 1862, and was discharged for disability October 27, 1863. He was pensioned at \$4 per month for chronic diarrhea from October 27, 1863, but was dropped from the roll November 1, 1882, it being claimed that the disability had ceased. He was restored to the roll April 30, 1885. In October, 1885, his case was approved for renewal and increase under the general law for chronic diarrhea and resulting disease of liver and stomach, paralysis agitans also being alleged as a result, but the medical referee did not accept the findings. Another application for increase was rejected in September, 1889, and pension was allowed at \$12 per month under act of June 27, 1890, from July 14, 1890, for chronic diarrhea, complete right inguinal hernia, and paralysis agitans, which rate claimant is now drawing.

The friends of claimant say that they can not understand why he was pensioned under the act of June 27, 1890, and a careful examination of the papers shows conclusively that his pension under the general law ought to have been increased many years ago to at least the amount he is now receiving. Doubtless his attorney found it easier to secure \$12 per month under the act of June 27, 1890, than to secure increase under the general law, and so did the soldier a wrong by changing his pension from under one law to the other.

Claimant was examined by several medical boards, all of whom found him suffering from many and severe disabilities. December 2, 1891, he was examined by the board of medical examiners at Rockland, Me., and received a rating of \$32 per month on his combined disabilities, the report closing in these words:

“Combined disabilities render claimant unfit to perform any manual labor.”

Had soldier been kept under the general law he could doubtless secure a substantial increase without coming to Congress, as he is now 87 years of age, requiring the constant aid and attendance of another.

The following affidavits fully explain the present condition of the claimant:

This certifies that I am acquainted with Joel Blackman, of Swanzey, N. H., and that I have attended him more or less professionally during the past year for rheumatism and other disabilities with which he has been afflicted.

He has also been troubled with disease of the heart, and on account of this he is able to make but little exertion without fatigue and shortness of breath.

He is also a sufferer from paralysis agitans, which has a tendency to grow worse as his age advances. He is unable to wait upon himself, and is "so totally and permanently helpless from his disabilities that he requires the regular personal aid and attendance of another person," and I believe he is worthy and deserving of an increase of pension to correspond with the above disabilities.

GEORGE I. CUTLER, M. D.,
Late United States Examining Surgeon.

STATE OF NEW HAMPSHIRE, *Cheshire, ss:*

Subscribed and sworn to before me this 5th day of April, 1898.

JOSEPH HAMMOND, *Justice of the Peace.*

This is to certify that I am and have been for nearly two years employed by Mrs. V. W. Blackman in her family and have known Joel Blackman, Mr. Blackman's father, during that time.

He is 87 years old and is gradually losing his strength, having been for some time unable to care for himself. I prepare his food and usually feed him. He is in pain much of the time and is restless in sleep.

L. LOUISE PEASE.

SWANZEY, N. H., *April 5, 1898.*

STATE OF NEW HAMPSHIRE, *Cheshire, ss:*

The above-named L. Louise Pease personally appeared before me and made oath to the above statement this 5th day of April, 1898.

Before me.

ARTHUR A. WOODWARD,
Justice of the Peace.

This is to certify that I live very near Joel Blackman and see him often. He lives with his son, Rev. Virgil W. Blackman, pastor of our Congregational Church. I know said Joel Blackman to be a man of temperate habits, 87 years old. He is unable to care for himself, being dependent on his family and friends to go to bed or eat or do anything.

His condition does not improve. He has a very bad hernia, has chronic diarrhea and paralysis, for which he draws small pension.

ELMER J. BULLARD, *Postmaster.*

SWANZEY, N. H., *April 5, 1898.*

STATE OF NEW HAMPSHIRE, *Cheshire, ss:*

Personally appeared Elmer J. Bullard and made oath to the above statement this 5th day of April, 1898.

Before me.

VOLNEY WOODCOCK,
Justice of the Peace for the State of New Hampshire.

I, Volney Woodcock, live opposite the Congregational parsonage, where resides Joel Blackman, veteran, with his son, Rev. V. W. Blackman, pastor of our church.

Said Joel Blackman is 87 years old; is in a helpless condition. He is now pensioned for "chronic diarrhea and paralysis agitans." His condition is believed to be permanently feeble.

SWANZEY, N. H., *April 5, 1898.*

STATE OF NEW HAMPSHIRE, *Cheshire, ss:*

The above-named Volney Woodcock personally appeared before me and made oath to the above statement this 5th day of April, 1898.

Before me.

ARTHUR A. WOODWARD,
Justice of the Peace.

We, the selectmen of the town of Swanzey, indorse without hesitation the foregoing statements of Volney Woodcock, Miss L. L. Pease, Dr. George I. Cutler, and Elmer J. Bullard.

Signed at Swanzey this 5th day of April, 1898.

N. C. CARTER,
A. A. WOODWARD,
J. L. STARKEY,
Selectmen of Swanzey.

I hereby certify that N. C. Carter, A. A. Woodward, and J. L. Starkey are the selectmen of the town of Swanzey, N. H.

VOLNEY WOODCOCK,
Justice of the Peace for the State.

This soldier is suffering a disability which, if entirely of service origin, would entitle him to \$72 per month. It is fully established that he has suffered from chronic diarrhea ever since discharge, and the medical examining boards accepted other serious disabilities as due to army service. Under the circumstances it seems but just to grant the increase to \$30 per month asked for in this bill, as at best the soldier will soon pass away, his present age being 87.

Your committee therefore recommend the passage of the bill.

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EPHIRAM C. BALDWIN.

MAY 19, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GIBSON, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 3668.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 3668) granting an increase of pension to Ephiram C. Baldwin, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from \$15 to \$35 per month the pension of Ephiram C. Baldwin, of Soldiers' Home, Boise, Idaho.

The Senate report states the facts and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3668) granting an increase of pension to Ephiram C. Baldwin, have examined the same and submit the following report:

The records show that this claimant enlisted September 16, 1861, and served faithfully until December 31, 1866, when he was discharged, a member of Company D, First California Volunteer Cavalry.

He now draws a pension of \$15 per month under the general pension laws, on account of rheumatism. He claims increase of pension on account of paralysis, but this disability has not been accepted by the Pension Bureau as the result of rheumatism or the result of his army service. His physical ailments are described by Dr. N. J. Brown, examining surgeon, Hailey, Idaho, as follows:

"Was paralyzed from waist down in 1883, and in 1891 was paralyzed entire left side, and can not move or walk without great difficulty."

Dr. T. W. Stone, of Hailey, Idaho, examined the claimant August 30, 1896, by direction of the Commissioner of Pensions, and reports as follows:

"Left side paralyzed and atrophied. Left eye blind since he was paralyzed; also deaf in left ear. First stroke of paralysis in April, 1883; second in 1891. Suffers continually with pain from rheumatism.

"Mouth is drawn to right side so badly he can hardly drink or eat, often nearly choking while eating; left hand and foot numb all the time. This man is a total wreck physically. I have seen him fall on the street in the mud and could not get up; had to wait for someone to pick him up."

Drs. H. G. Burton and H. E. Hasse made affidavit on the 25th of January last in regard to the claimant's condition as follows:

"Affiants state from personal and professional knowledge that the above-named soldier is wholly disabled on account of partial paralysis of left arm and left leg, complete paralysis of left side of face, total loss of vision of right eye and perception of light in left eye. He is virtually totally blind."

There is also evidence on file showing conclusively that the claimant is wholly without means and income of any kind for the support of himself and wife, excepting the pension of \$15 per month above referred to.

In view of the long and faithful service of this soldier and his present deplorable physical and financial condition, your committee believes that this is a case which is entitled to favorable consideration, and therefore recommend that the bill pass, with the following amendment:

In line 7 strike out the word "fifty" and insert in lieu thereof the word "thirty-five."

The bill is therefore reported back, with the recommendation that it pass when amended as follows:

In line 7, after the word "Cavalry," insert "and pay him a pension."



MARTHA JENNIE FREER.

MAY 19, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. CASTLE, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 10117.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10117) granting a pension to Martha Jennie Freer, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension at \$12 per month Mrs. Martha Jennie Freer, of 128 Eleventh street SE., Washington, D. C., who is shown by the records of the War Department to have been employed as a nurse in Camden Street Hospital, Baltimore, Md., from July 6, 1862, to September 26, 1862.

James E. Dwinnelle, of Baltimore, Md., testifies as follows:

Upon my recommendation Mrs. Martha Jennie Freer entered as nurse in the United States Government hospital July 6, 1862, and at that time she was in the best of health and of unusually strong constitution. She continued in that capacity to the last of September of that year, when, in consequence of loss of rest by long continuous nursing of the soldiers in a poorly ventilated hospital during a very hot summer, she contracted typhoid fever, from which disease it was fully six months before she recovered her normal health.

My only aim in writing this certificate is to have the United States Government do justice to a poor but worthy woman, who faithfully served in time of need fully eight months, counting for the time she entered the hospital and until she was restored to her former health.

The following affidavit shows present physical and financial condition of the claimant:

WASHINGTON, D. C., May 9, 1898.

SIR: I beg leave to call your attention to the bill (H. R. 10117) for the relief of Martha Jennie Freer, late hospital nurse.

Mrs. Freer will be 69 years of age on the 22d instant. She is a widow, having one son, who, on account of a family of eight and a small salary, is unable to render her a support. Having no property, either real or personal, and owing to her bodily infirmities she is unable to work, so lives with her son-in-law, Stephen Simonds, 128 Eleventh street SE.

Having known her for twenty-five years, I must state she is actually in need of help, and earnestly urge early action in her case, which, indeed, is a most worthy one.

Very respectfully,

ELIZABETH HILL.
Mrs. LAURA CLOCKER.

The CHAIRMAN COMMITTEE ON INVALID PENSIONS,
House of Representatives.

Subscribed and sworn to before me this 8th day of May, A. D. 1898.

LORING CHAPPEL, *Notary Public.*

A favorable report was made from this committee on a similar bill for this claimant in the Fifty-fourth Congress.

The bill is reported back with the recommendation that it pass when amended as follows:

In line 5 strike out the word "a" and insert in lieu thereof the words "an army."

Strike out all after "nurse," in line 5, and all of line 6; and in line 7 insert after "at" the words "the rate of."

RECORD AND PENSION OFFICE, WAR DEPARTMENT,
Washington City, April 21, 1896.

MADAM: In reply to your personal request to be furnished with the record of service of Mrs. Jennie Frear (or Freer) I am directed by the Secretary of War to inform you that it is shown by the records of this office that Jennie Freer was attached as nurse to "Camden Street" general hospital, Baltimore, Md., from July 6, 1862, to September 26, 1862.

Very respectfully,

F. C. AINSWORTH,
Colonel, United States Army, Chief Record and Pension Office.

Miss LIZZIE HILL,

No. 100 Eleventh Street SE., Washington, D. C.

STATE OF MARYLAND, *City of Baltimore, ss:*

In the matter of Martha Jennie Freer.

Personally came before me, a physician, Dr. James E. Dwinelle, in and for aforesaid county and State of Maryland, aged 66 years, citizen of the town of Baltimore, State of Maryland, well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

Upon my recommendation Mrs. Martha Jennie Freer entered as nurse in the United States Government hospital July 6, 1862, and at that time she was in the best of health and of unusually strong constitution. She continued in that capacity to the last of September of that year, when in consequence of loss of rest by long continuous nursing of the soldiers in a poorly ventilated hospital, during a very hot summer, she contracted typhoid fever, from which disease it was fully six months before she recovered her normal health. My only aim in writing this certificate is to have the United States Government do justice to a poor but worthy woman who faithfully served them in time of need, fully eight months, counting from the time she entered the hospital until she was restored to her former health.

I further declare that I have no interest in said case, and am not concerned in its prosecution.

JAMES E. DWINELLE, M. D.

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant, and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me; that he is a credible person and so reputed in the community in which he resides.

Witness my hand and official seal this 19th day of May, 1896.

[SEAL.]

SAMUEL AFFELDER, *Justice of the Peace.*

WASHINGTON, D. C., *May 9, 1898.*

SIR: I beg leave to call your attention to the bill (H. R. 10117) for the relief of Martha Jennie Freer, late hospital nurse.

Mrs. Freer will be 69 years of age on the 22d instant. She is a widow, having one son, who, on account of a family of eight and a small salary, is unable to render her a support. Having no property, either real or personal, and owing to her bodily infirmities she is unable to work, so lives with her son-in-law, Stephen Simonds, 128 Eleventh street SE.

Having known her for twenty-five years, I must state she is actually in need of help, and earnestly urge early action in her case, which, indeed, is a most worthy one.

Very respectfully,

ELIZABETH HILL.
Mrs. LAURA CLOCKER.

The CHAIRMAN COMMITTEE ON INVALID PENSIONS,
House of Representatives.

Subscribed and sworn to before me this 9th day of May, A. D. 1898.

[SEAL.]

LORING CHAPPEL, *Notary Public.*

○

DELLA E. SPAULDING.

MAY 19, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. DRIGGS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 7293.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7293) granting a pension to Della E. Spaulding, have examined the same and all the evidence and respectfully report:

This bill, as amended, proposes to pension at \$12 per month Della E. Spaulding, of Binghamton, N. Y., as the dependent and permanently helpless child of Alfred O. Spaulding.

The evidence filed with your committee, and also at the Bureau of Pensions, is voluminous and fully establishes the following facts:

Alfred O. Spaulding, the soldier, served as private, Company G, One hundred and sixty-first Regiment New York Volunteer Infantry, from August 30, 1862, to September 20, 1865, when honorably discharged. He was captured at the battle of Sabine Crossroads, April 8, 1864; confined at Tyler, Tex., until October 23, 1864, when exchanged.

He contracted diseases and disabilities in the service in line of duty, from the effects of which he died May 7, 1882. He left him surviving a widow and two children, one of whom, this claimant, was over 16 when the father died. The mother died when this child was 3 years of age. The stepmother remarried and died. The soldier left no property, and this child is in necessitous circumstances and has no one on whom she can depend for support. She is, and has been, since the death of her father, supported by the charity of friends and distant relatives.

From a congenital deformity of the hips and back, this claimant is, and has been, permanently helpless from her infancy. Can not and never could earn anything or do any work.

Under the rulings of the Pension Bureau and of the Department, she is denied a pension because over 16 years of age at the date of the soldier father's death.

Your committee have pointed out the defect in the law which pensions such children for life if under 16 when the father dies, but denies them any pension if a day over 16 when such death occurs.

We repeat that the permanently helpless condition of the child from infancy, and not the age of the child at the father's death, should determine the right of the pension. Pensions are continued to such children for life or during the continuance of the disability on the ground that because of such permanent helplessness from infancy they are to be always treated as minors. This principle has been declared and approved by the Senate and House in several cases. A bill has been reported to remedy the defect.

The bill is reported back with the recommendation that it pass, when amended as follows:

In line 5, after the word "the," insert the words "dependent and permanently."

In line 8 strike out the word "twenty" and insert "twelve."

Amend the title so as to read: "A bill granting a pension to Della E. Spaulding."



PERSONNEL OF THE NAVY.

MAY 19, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. Foss, from the Committee on Naval Affairs, submitted the following

REPORT.

[To accompany H. R. 10403.]

The Committee on Naval Affairs, to whom was referred the bill (H. R. 7443) to combine the line and Engineer Corps of the Navy, having considered the same, report back the accompanying bill as a substitute for said House bill 7443, and recommend that it do pass.

This substitute bill is identical with House bill 7443, except as to certain changes which have been made, namely: The title of the bill, the abolition of relative rank as applied to the staff corps of the Navy, and the extension of the provision as to retirement of line officers who served in the civil war to all officers in the Navy who have so served.

Besides these changes there have, however, been added to the original bill the sections reorganizing the Construction Corps and the Marine Corps and establishing a commissioned grade for deserving warrant officers.

House bill 7443 was drafted by a board of naval officers appointed by the Secretary of the Navy, consisting of the then Assistant Secretary of the Navy, Theodore Roosevelt, as chairman; Engineer in Chief George W. Melville, U. S. N.; Chief of the Bureau of Steam Engineering, Capt. Arent S. Crowninshield, U. S. N.; Chief of the Bureau of Navigation, Capt. William T. Sampson, U. S. N.; Capt. Alexander H. McCormick, U. S. N.; Capt. Robley D. Evans, U. S. N.; Commander Joseph N. Hemphill, U. S. N.; Lieut. Commander R. Wainwright, U. S. N.; Chief Engineer Charles W. Rae, U. S. N.; Chief Engineer George H. Kearney, U. S. N., and Passed Assistant Engineer Walter M. McFarland, U. S. N., as members, and Lieut. Albert L. Key, U. S. N., as member and recorder.

It was submitted by the Department to the Committee on Naval Affairs, and, upon request, introduced in the House. The report of the chairman of the board, accompanying it, sets forth in an able and forcible manner the advantages of said bill, and is made a part of this report.

The committee had exhaustive hearings on all the various features of the reorganization of the Navy and concluded to widen the scope of the

bill as originally presented, so as to provide for the needs of all branches of the service, and said hearings are also made a part of this report, in order that the House may have full information in relation to this important subject.

The purpose of the committee in its deliberations has been to devise and recommend such a measure as in its judgment will harmonize the differences which justly or unjustly have existed for more than a quarter of a century between the different corps; to remedy the present stagnation in the lower grades of the service, by providing for a healthy flow of promotion, and to prevent its recurrence; to better the condition of the warrant officers and the enlisted men; to provide for the much-needed reorganization of the Marine Corps; and otherwise increase the efficiency of the Navy.

During the last fifteen years the Government has been rehabilitating the Navy by the construction of new ships, and has succeeded in restoring it from the position where it ranked, about twentieth, among the navies of the world to its present position of sixth.

There are two essentials to an efficient navy—ships and men. Captain Mahan, U. S. N., one of the leading authorities of the world in the discussion of naval matters, has well said: "Historically, good men with poor ships are better than poor men with good ships."

While all these years we have been devoting ourselves to the importance of building ships, we have overlooked the greater necessity of improving our personnel so as to increase its efficiency and capacity for the greatest possible service in time of war.

While this measure presented by the committee is not a war measure and was not devised to meet the present emergency, yet it is believed that its immediate passage will do much to stimulate to heroic endeavor and to valiant achievement the brave officers and brave men of the American Navy, all of whom will hail its passage as not only a remedy for existing troubles and defects in the organization of our naval personnel, but also as a true and substantial appreciation of the deeds of the defenders of our national honor upon the sea.

Many bills have been introduced from time to time during past Congresses purporting to reorganize this or that branch of the naval personnel, and each has had its advocates and opponents among the different corps of the Navy, but all have failed for one reason or another. While these bills sought honestly to rectify existing evils, yet not infrequently their tendency has been to revive old disputes and unsettle a complacency that existed because it had to be endured.

This measure, treating the whole subject from the standpoint of greatest naval efficiency, broad in its character and affecting in its operation all the different corps in the Navy, has, with comparatively few exceptions, if any, the support of the whole naval service.

The manner in which it affects the different corps of the Navy will be presented briefly as follows:

THE LINE.

1. There will be a new line—an amalgamated line of the old line and the Engineer Corps—or, in other words, the engineers will be absorbed in the line. The Bureau of Steam Engineering will, however, still remain in its present form.

The line consists to-day of the commissioned officers from the grade of rear-admiral down to and including that of ensign, or 726 in all. The Engineer Corps consists of all the commissioned officers from the

grade of chief engineer down to and including that of assistant engineer, or 195 in all.

It is now proposed to transfer the engineers to the line and make them henceforth line officers. This may seem to some a radical proposition, but when it is carefully considered it will be seen to be a necessary result of the evolution which has come about from the introduction of steam into our ships of war.

One hundred years ago our ships were propelled by sails and there was no necessity for engineers. With the invention of the steam engine came its application to vessels as their motive power. At first steam was used only as an auxiliary to sails in calm weather. Later, in our civil war, we used steam as the principal motive power and sails as an auxiliary. To-day sails have entirely disappeared from our war ships. With the advent of the steam engine came the engineer, and he came to stay.

The *New Ironsides*, the most powerful ship in our Navy at the close of the civil war, had one engine with two cylinders. The *Iowa* of to-day, one of our greatest battle ships, has about 70 engines and 150 cylinders. On the *New Ironsides* everything was practically done by manual labor. She was steered, her engines reversed or started, her ammunition hoisted, her guns worked, all by hand.

To-day, on the *Iowa*, everything is done by machinery. She is steered; her guns are loaded, trained, and fired; her ammunition raised; her turrets turned; her torpedoes ejected; her boats hoisted; her compartments lighted and ventilated; her search lights operated, and the orders of the commanding officer transmitted to all parts of the ship by machinery. The battle ship of to-day is the triumph of American engineering.

This has been well expressed recently by an eminent scientist in one of our leading reviews, as follows:

The ship of the line of the days before the advent of the ironclad was seldom of more than about 1,000 tons rating; carried a hundred or more guns, consisting of 32 pounders and smaller caliber, with a few 8-inch shell guns in the later ships; had a speed entirely dependent upon wind and wave, and rarely exceeding ten knots, and was penetrable by the smallest ordnance of the time. The battle ship of to-day displaces ten times as many tons of sea water; carries a few, but vastly greater, guns; steams, in smooth water, over 20 knots (24 miles) an hour; crosses the ocean at two thirds speed without regard to wind or weather; defies penetration except by the largest of modern ordnance, and her own enormous guns drive their shell and their solid shot through from 1 to 2½ feet of solid iron, while her automobile torpedoes, themselves marvels of ingenuity and skill on the part of the contemporary engineer-inventor and mechanic, destroy with a single explosion the noblest, grandest, and most powerful of her adversaries.

The steam engine, the motive power of this leviathan, concentrates within a small fraction of the volume of the ship the power of thousands of horses, and is itself embodiment of the highest skill and intellect of contemporary men. In fact, to replace the 30,000-horsepower engines of the latest transatlantic "liner" would require the most severe exertion of 45,000 horses, and their constant maintenance of such power would demand at least three relays, probably more, in the twenty-four hours, a stud of 135,000 horses. Allowing 10 feet to each, as a "string team," they would stretch a distance of about 270 miles. The actual engines doing this inconceivable work weigh but a small fraction and occupy a still less minute proportional volume of the ship. The horses would weigh not less than 70,000 tons, and with their provender would load several ships such as their steel and iron representatives propel. It is this almost automatic machine, designed, constructed, and operated under the direction of the engineer, that makes the modern war ship possible.

How does this wonderful development in the construction of our battle ships affect our naval personnel?

It can mean but one thing, and our naval personnel must recognize it and conform to it. The personnel must fit the matériel. The man

must fit the ship. In other words, the commanding officer must be a fighting engineer. To fight his ship he must know her, and to know his ship he must know engineering. Not but what he must know other things as well, such as ordnance and navigation, and have the "habit of command."

More than thirty years ago Gideon Welles, the great Secretary of the Navy during the civil war, in his reports of 1864 and 1865, said:

Preliminary measures have been taken to carry into effect the law of the last session of Congress authorizing the education at the Naval Academy of cadet engineers.

Before this plan shall be put into operation, it is respectfully submitted, in view of the radical changes which have been wrought by steam as a motive power for naval vessels, whether steam engineering should not be made to constitute hereafter a necessary part of the education of all midshipmen, so that in our future navy every line officer will be a steam engineer and qualified to have complete command and direction of his ship. Hereafter, every vessel of war must be a steam vessel. The Department is not aware that any line officer, whatever attention may have been given by him to the theoretical study of steam, is yet capable of taking charge of an engine, nor are all steam-engine drivers capable of taking charge of a man-of-war, navigating her, fighting her guns, and preserving her discipline. Half the officers of a steamship can not keep watch, can not navigate her, can not exercise the great guns or small arms, nor, except as volunteers under a line officer, take any part in any expedition against the enemy.

On the other hand, the other half of the officers are incapable of managing the steam motive power or of taking charge of the engine room in an emergency, nor can the commander of a vessel, though carefully taught every duty of a sailor and drill officer, understand, of his own knowledge, whether the engineers and firemen are competent or not. The remedy for all this is very simple, provided the principle were once recognized and adopted of making our officers engine drivers as well as sailors. Objection may be made that the duties are dissimilar, and that steam-engine driving is a specialty. The duties are not more dissimilar than seamanship and gunnery.

Fortunately our naval officers are taught seamanship, gunnery, and the infantry drill, and the service saved from distinct organizations in these respects which would inevitably have impaired its efficiency.

It only remains to commence at this time, and, as preparatory to the future of the Navy, teach the midshipman engineering as applied to running the engine. This would be independent of the art of designing and constructing, which is purely a specialty, and nowise necessary in the management and direction of the ship. And to this specialty, as a highly scientific body of officers, would the present corps of engineers be always required as inspectors and constructors of machinery. With the adoption of the suggestions here made, we shall in due time have a homogeneous corps of officers, who will be masters of the motive power of their ships in the future as they have been of seamanship in the past. By this arrangement there will be in each ship double the number of officers capable of fighting and running the vessels without additional appointments or expense. Innumerable other advantages commend the plan as worthy of trial, and it is presented for favorable consideration.

The report of 1865 adds:

The naval vessel is no longer dependent on the winds, nor is she at the mercy of currents, but the motive power which propels and controls her movements is subject to the mind and will of her commander, provided he is master of his profession in the future as he has been in the past. To retain the prominence which skill and education gave him when seamanship was the most important accomplishment, the line officer must be qualified to guide and direct this new element of power. Unless he has these qualities he will be dependent on the knowledge and skill of him who manipulates and directs the engine. To confine himself to seamanship without the ability to manage the steam engine will result in his taking a secondary position as compared with that which the accomplished naval officer formerly occupied.

If Gideon Welles at that time, when our greatest battle ship had but one steam engine, saw the necessity of combining in one man the commanding officer and the engineer, how much more would he commend our recommendation to-day, when our greatest battle ships have from seventy to seventy-five engines, and are themselves not only the embodiment of the greatest engineering skill, but also the most powerful con-

centration of energy which the human mind has thus far been able to devise?

This proposed amalgamation will produce no violent change whatsoever. The older line officers who have not been trained in engineering will continue to perform their accustomed duties; the older engineers who have not been trained in deck duties will continue to care for the machinery. For a year or two even the duties of the younger men will be but little altered. Then, as time goes on, the younger officers of the present line will be required to stand watch in the engine room, and the younger officers of the present Engineer Corps will have to familiarize themselves with the duties of line officers.

And in any event the detail of officers to duty is entirely in the purview of the Navy Department, so that, if found desirable or necessary, there need be no change for a period even longer than two years.

In readjusting the duties of these young men, no difficulty will arise. They are all graduates of the Naval Academy, with identical training for three out of the four years; men of the same stamp, who have served on the same ships, and have the same traditions.

Even at the present time, in recognition of the importance of engineering, and as paving the way for the new order of things, the young line officers on the torpedo boats are placed in charge of the machinery.

The bill provides that the younger engineers shall, after two years, pass an examination in the duties of line officers, and inasmuch as the line officers already receive some training in engineering at the naval school, and as their examinations for promotion include one in engineering of an elementary character, it will only be necessary to enlarge the scope of these examinations to assure their proficiency in their new duties.

And, furthermore, in order that the naval officer of the future may be thoroughly qualified for his enlarged duties as a fighting engineer, it will be necessary to rearrange the course of instruction at the Naval Academy; but, as this is a matter of departmental detail, the committee have not deemed it advisable to provide for it by legal enactment.

To meet the problem in this way will make the United States the pioneer in solving the difficulties in the personnel created by the evolution of modern naval warfare, exactly as in the days of the *Monitor* and *Merrimac* it showed itself the pioneer in dealing with changed matériel.

2. This measure further provides for a perfectly regulated flow of promotion in the line and thereby relieves the congested condition which to-day exists principally in the grades of commander, lieutenant-commander, and lieutenant.

This congestion includes about 200 officers, and the effect of it is to retard the promotion of those in the lower ranks until they become really too old to assume the duties of command.

Take, for instance, the case of the senior lieutenant-commander, as appears in the Naval Register of 1898. He entered the service in 1862, became ensign in 1868, master in 1870, lieutenant in 1871, and served twenty years in that grade; in 1891 he became lieutenant-commander, and has not yet reached command rank.

What is true of him is true of every man in the grade of lieutenant-commander—that is to say, all of them, without exception, have served at least twenty years in the grade of lieutenant. They are men 50 years of age, and have been in the service from thirty-three to thirty-six years.

Take again, for instance, the senior lieutenant who became midship-

man in 1864, was promoted to ensign in 1870, to master in 1872, to lieutenant in 1876. He has been thirty-four years in the service and for twenty-two years has been a lieutenant. He is now about 50 years of age and has not yet reached the rank of lieutenant-commander, through which he must still proceed, under the present snail-like rate of promotion, before reaching command rank.

What is true in his case is true of many others in the same grade. In fact, it can be said that there are nearly 150 lieutenants who have spent twenty-five years in the service and are still in the grade of lieutenant. Such a condition of affairs would not be permitted to exist in any other great navy of the world. It is a matter of great discouragement and hardship to the men in the lower grades and is also fraught with danger to the country.

Admiral Farragut once said:

I consider it a great advantage to command young, having observed as a general thing that persons who come into authority late in life shrink from responsibility and often break down under its weight.

Under the present mode of promotion by seniority this congested condition which we have to-day in the line of the Navy will not be relieved for several years to come, and, barring deaths and retirements from disability, the following table shows the number of retirements for the next fourteen years, when, under the existing system, the condition will be relieved.

Retirements from age in the line of the Navy.

January 1, 1898, to July 1, 1898.....	3
July 1, 1898, to July 1, 1899	6
July 1, 1899, to July 1, 1900	3
July 1, 1900, to July 1, 1901	4
July 1, 1901, to July 1, 1902	9
July 1, 1902, to July 1, 1903	3
July 1, 1903, to July 1, 1904	9
July 1, 1904, to July 1, 1905	18
July 1, 1905, to July 1, 1906	28
July 1, 1906, to July 1, 1907	23
July 1, 1907, to July 1, 1908	28
July 1, 1908, to July 1, 1909	30
July 1, 1909, to July 1, 1910	45
July 1, 1910, to July 1, 1911	39
July 1, 1911, to July 1, 1912	32

The result of this utter lack of proper regulation of promotion will be that, in a few years, the officers in the congested portion of the list will rush through the upper grades too rapidly and in too short a time to render any real service, while the younger officers will, on their part, rush through the subordinate grades with equal rapidity, attaining command rank before they have had the time to acquire the proper preparation, which comes from spending the right length of time in the lower grades. And then another period of stagnation will ensue.

The causes of the present stagnation of promotion in the personnel of the Navy are ably set forth in a report made by Mr. Meyer, of the Committee on Naval Affairs, on January 12, 1895, in the second session of the Fifty-third Congress, known as Report No. 1573.

It is hardly necessary to restate here the causes which produced this result. It is sufficient to know that the condition exists and that it is our duty to find a remedy.

This measure provides one; first, by providing for voluntary and involuntary retirements; and secondly, by the readjustment of the numbers in the different grades of commissioned officers.

In a navy organized to secure the highest efficiency, all authorities recognize that the number of officers in each grade must be adequate to the duties to be performed and that the ages of such officers must also correspond to these duties. When these are properly adjusted there will result a steady rate of promotion which encourages the officers to their best efforts and assures the greatest efficiency of the personnel.

But the adjustment of numbers and ages can not be left to chance. The proper relation of numbers in the higher and lower grades for the proper performance of duty is such that if promotion is left to seniority alone, as at present, periods of stagnation will recur as certainly and with as much regularity as financial panics. The number of officers necessary for subordinate duty is so much greater than the number in flag and command grades that the ordinary retirements for age and for disability can not provide for the promotion of every officer through all grades and at the same time keep the ages of subordinate officers low enough to assure proper activity. In other words, we must recognize the fact that in an efficient navy every officer can not hope to attain the highest rank.

The following table shows the average age at which officers will be promoted out of the various grades under this bill and the age of retirement in the corresponding grades in various foreign navies:

Ages at leaving the various grades in the line of United States Navy, according to this bill, and ages in corresponding grades of foreign navies when retirement is compulsory.

[This table is compiled in part from Table 1 in report of joint subcommittee of Committees on Naval Affairs, appointed January 12, 1894.]

Grade.	Average age when leaving grade in United States Navy according to this bill.	Age in foreign navies when retirement is compulsory.					
		England.	France. ¹	Russia.	Italy.	Austria. ²	Germany.
Rear-admiral.....	62	60	62	60	60	60	53
Captain.....	58½	55	60	55	55	55	50
Commander.....	52	50	58	51	52	54	.....
Lieutenant-commander.....	45	45	.....	.....	50	52	.....
Lieutenant.....	38	45	53	47	45	45	43
Lieutenant (junior grade)....	29	40	.....	.....	45	31	.....
Ensign.....	25	.....	.....	.....	.....	.....	.....
Midshipman.....	22	.....	.....	.....	.....	25	.....

¹ The French navy is suffering from lack of properly regulated promotion, and remedies have been under discussion in the last few years.

² Compulsory when ordered by the Emperor.

As will be seen, the ages provided in this bill are about the same as those in foreign navies, although they were reached independently and are based on careful consideration of the efficiency of the Navy.

To assure the maintenance of these average ages the bill provides that in any year when the number of vacancies due to retirement for age and the ordinary casualties is not up to a certain number in each grade, the necessary number shall be secured by permitting a limited number of officers to retire; and, in case there are not enough applicants for voluntary retirement, then a board of admirals is to select enough additional ones, who will be recommended to the President for compulsory retirement. The number that can be retired is, however, limited to a few in each of certain grades, and an officer must have rendered half a lifetime of service before he becomes eligible.

A most important point in this connection is that the selection of officers for compulsory retirement is based on their record in the files of the Navy Department, and that those selected are the ones considered, on the whole, least efficient—not inefficient, but less efficient than those who remain. These records are the reports of senior officers, rendered semiannually, and with respect to which the officer concerned is informed of any unfavorable comments and his answer thereto filed with the report. As will be seen at once, not only does this assure the retention on the active list of the most valuable and proficient officers, but it furnishes an immense stimulus to the best effort on the part of every officer to the greatest efficiency professionally and the most zealous performance of duty. Again, with respect to the voluntary retirements, it is to be noted that they are entirely at the discretion of the President, so that here, too, the retention of the best officers is assured.

A study of the table just given shows that all foreign navies recognize the necessity of some system of securing officers of proper age in the various grades. After careful examination of their details the committee believe that the plan it recommends is superior to the others. In the British navy age alone is the factor, and the best officers are just as likely to be set aside as the least worthy. In some others a few of the best officers are promoted ahead of others, leaving the disappointed ones to nurse a grievance. This plan sets aside the least worthy, and they take their grievance, if they feel any (which is not anticipated), out of the service.

It may occur to some, at a hasty glance, that this system of retiring officers who are not disabled, while undoubtedly promotive of increased efficiency, may also increase expenses. Such is not the case, as is well set out by the Secretary of the Navy in a communication to the committee, as follows:

For a few years there may be a slight annual increase of about \$7,000, owing to the increased pay of officers on the retired list, but it is impossible to speak with entire certainty as to the future action of the annual compulsory retirement clause, due to the impossibility of knowing what number of officers may apply for voluntary retirement. Taking into account the case of retiring the total number provided in the bill, giving an expectation of life as found in mortuary tables, and filling from the bottom the vacancies so created, we find that these compulsory retirements in grades below rear-admiral will effect a saving to the Government as follows:

During the lifetime of two lieutenants retired as such, instead of continuing on the active list and retiring as rear-admirals under present law	\$68, 000
During the lifetime of four lieutenant-commanders retired as such, instead of continuing as at present	110, 000
During the lifetime of five commanders retired as such, instead of as under present law	161, 000
During the lifetime of four captains retired as such, instead of as under present law	138, 000
Total	477, 000

This total of \$477,000 represents the saving attained by retiring 13 officers compulsorily in lower grades over what would be paid out if they retired as rear-admirals under the present law, the vacancies so caused being filled from below immediately upon these retirements.

3. *Numbers.*—Sixteen years ago, when the matériel of our Navy had reached its lowest point, Congress made a reduction in the numbers of the line and of the Engineer Corps, the two bodies that make up the new line of this bill. As the number of vessels has increased, and they of vastly greater size and complexity than the older ones which they displaced, the need of an increase of officers has become very apparent. In his last annual report (1897) the Secretary of the Navy recommends an increase amounting to 150 officers in these two corps, while their two chiefs asked and urgently recommended an increase amounting to

270. In view of the increased availability of officers for duty under this bill, providing, as it does, for such a training as makes an officer competent for an increased field of usefulness, the committee have not felt warranted in approving either of the figures given, but have recommended an increase of 99 in the numbers of the two corps, making the total number 1,020, as against 921 now allowed by law.

These numbers are distributed as follows:

Numbers in the new line of the Navy.

Flag rank (rear-admiral).....	18
Captains.....	70
Commanders.....	112
Lieutenant-commanders.....	170
Lieutenants (senior).....	300
Lieutenants (junior) }.....	350
Ensigns }	
Total	1, 020

These numbers were very carefully selected with respect to the actual needs of the Navy *on a peace basis*, taking account of the number of ships likely to be commissioned for service, their actual needs, and the other absolute necessities of the efficient conduct of the Navy. The increase recommended is the least possible if we are to have an efficient Navy.

It will be observed that the grade of commodore does not appear in the new list. This omission is due to important considerations to which the committee gave careful attention. It was deemed best to conform to the universal practice of the rest of the world in making the lowest flag rank that of rear-admiral. The reasons are akin to those which have led to the appointment of ambassadors instead of ministers in our diplomatic service, and it is believed that they will be convincing to all who study the subject.

The grade of commodore has, however, been retained as a temporary rank for chiefs of bureaus in the Navy Department, for officers temporarily in command of small squadrons, and for purposes of retirement. All of these, except the second, are matters unaffected by intercourse with foreign services, and here the object is to give a moderate reward for increased responsibility.

4. *Pay.*—The committee, after careful consideration, recommend that the pay of the new line should be made the same as that of the Marine Corps or the infantry of the Army. They believe that there could not be a more appropriate time for putting the pay question on a proper basis than the present, when the personnel of the Navy is being reorganized, in order that, all questions affecting the personnel having been settled by this bill, Congress would not be called upon to legislate for the Navy for a long time to come.

The committee examined this question of pay with the greatest care and recommended the adoption of army pay as provided in the original draft of the bill. The army pay table has been in use for a long time, and has given satisfaction to the officers who are paid under it. While there are features which doubtless admit of improvement, it is believed to be much better to adopt for the Navy a system which has already been applied satisfactorily for many years to a sister service than to attempt to prepare a new pay table, even if it might theoretically be more perfect than the one recommended.

The following is a brief statement of some of the reasons which have convinced the committee:

1. As an amalgamation of officers is being made who have hereto-

fore been paid differently, and as their positions are to be the same, the adoption of some scheme of pay which will be fair to all is important.

2. The adoption of either of the present pay tables would cause a reduction of pay to a great many officers of both branches.

3. The present pay tables were devised twenty five years ago to suit a condition of affairs then existing, but which has materially changed.

4. Neither of the present pay tables is constructed on a really proper basis, and the amount of pay an officer will receive is almost a lottery—depending too much on variation in promotion.

5. The Marine Corps (Army) pay table is based, partly at least, on length of service from the very commencement, a principle which any fair rate of pay should embody.

6. This scheme has prevailed for at least thirty years in the Army and Marine Corps and has given great satisfaction.

7. The ranks in the two services (Army and Navy) are the same, and the duties and responsibilities of the Navy are at least as great as those of the Army, so that in all fairness it would seem that the pay should be the same.

8. Certain expenses incumbent on naval officers are, from the nature of their duty, greater than those of army officers, so that a greater rate of pay would be indicated. What is provided for is not quite equality, as all the allowances are not given.

9. The adoption of a pay table for a similar military service obviates the necessity of a great deal of detailed work in preparing a new one, and makes the portion of a bill dealing with the subject short and easily understood.

The following table gives the present rates of pay of the officers of the line and Engineer Corps of the Navy:

	At sea.	On shore duty.	On leave or waiting orders.
Rear-admirals.....	\$6,000	\$5,000	\$4,000
Commodores.....	5,000	4,000	3,000
Captains.....	4,500	3,500	2,800
Commanders.....	3,500	3,000	2,300
Lieutenant-commanders:			
First four years after date of commission.....	2,800	2,400	2,000
After four years from date of commission.....	3,000	2,600	2,200
Lieutenants:			
First five years after date of commission.....	2,400	2,000	1,600
After five years from date of commission.....	2,600	2,200	1,800
Lieutenants (junior grade):			
First five years after date of commission.....	1,800	1,500	1,200
After five years from date of commission.....	2,000	1,700	1,400
Ensigns:			
First five years after date of commission.....	1,200	1,000	800
After five years from date of commission.....	1,400	1,200	1,000
Chief engineers:			
First five years after date of commission.....	2,800	2,400	2,000
Second five years after date of commission.....	3,200	2,800	2,400
Third five years after date of commission.....	3,500	3,200	2,600
Fourth five years after date of commission.....	3,700	3,600	2,800
After twenty years from date of commission.....	4,200	4,000	3,000
Passed assistant engineers:			
First five years after date of appointment.....	2,000	1,800	1,500
Second five years after date of appointment.....	2,200	2,000	1,700
Third five years after date of appointment.....	2,450	2,250	1,900
Fourth five years after date of appointment.....	2,700	2,350	1,950
Engineers:			
First five years after date of appointment.....	1,700	1,400	1,000
After five years from date of appointment.....	1,900	1,600	1,200

The following table shows the various grades in the Navy, with the corresponding Army rank, the rate of pay of the line of the Navy and the Army pay for corresponding ranks.

Army rank.	Corresponding Navy rank.	Army pay.	Navy pay.
Second lieutenant.....	Ensign	\$1, 400	\$1. 200 to 1, 400
First lieutenant	Lieutenant (junior grade).....	1, 500	1, 800 to 2, 000
Captain.....	Lieutenant.....	1, 800	2, 400 to 2, 600
Major	Lieutenant-commander.....	2, 500	2, 800 to 3, 000
Lieutenant-colonel	Commander	3, 000	3, 500
Colonel	Captain	3, 500	4, 500
Brigadier-general.....	Commodore	5, 500	5, 000
Major-general	Rear-admiral.....	7, 500	6, 000

In addition to the figures as given, to get the pay of the army officers, it is necessary to note that "all officers below the rank of brigadier-general are entitled to 10 per centum, in addition to their current yearly pay as given above, for each and every period of five years' service (p. 137 of the Navy Register), provided the total amount of such increase shall not exceed 40 per centum of their current yearly pay; and provided further, that the pay of a colonel shall not exceed \$4,500 per annum, and that of a lieutenant-colonel \$4,000."

There will be an increase of expense under the head of "Pay of the Navy" of about \$600,000, in consequence of the provisions of this bill. Of this amount the sum of \$230,000 is for the pay of the additional one hundred officers authorized by the bill, and in this connection it is to be noted that the hundred additional officers are naturally not all added at the bottom, but are distributed throughout the list, so that some of them are in the higher grades where the rate of pay is higher.

A further portion of the amount, about \$265,000, is an increase in the pay of the 920 officers now in the service, and with respect to this item the committee desire to say that it has examined this particular feature of the bill with the greatest care and believe that this very moderate increase is entirely justified. There is no question whatever that many of our naval officers have been very much underpaid owing to the fact of the present pay table having been prepared for a condition of affairs totally different from that which now obtains.

It will probably astonish many members to find that a great many naval officers performing very important and confidential work have actually been paid less than clerks in the departments who occupy positions of minor importance.

The remainder of the increase, amounting to some \$95,000, is to provide an allowance for quarters to those officers for whom at present there are no Government quarters. Naval officers are the only military officers of the Government which are thus unprovided for, an allowance being made to officers of the Army and Marine Corps when not living in barracks or at navy-yards, or similar Government posts. The reasonableness of this allowance is evident when we consider that a naval officer is peculiarly liable to sudden changes of abode, so that it is impossible for him to have a home, and that from the very nature of things he is frequently compelled to rent quarters which are expensive. The allowance for quarters is the same as for the Army and Marine Corps, and is very moderate in amount. It is not, in fact, sufficient to provide for more than the barest demands of decent accommodation.

THE STAFF.

The staff, which consists of the Medical Corps, the Pay Corps, chaplains, professors of mathematics, civil engineers, and naval constructors is in excellent condition.

The question of rank has not infrequently occasioned dissatisfaction in the past. The staff officers to day are commissioned with the relative rank of line officers.

After investigating this subject the committee came to the conclusion that there was no reason why there should be any distinction in the matter of rank between staff officers and line officers, and that the staff should be commissioned with actual rank the same as the line and in the Army. Rank does not mean command. Command is a matter of detail and assignment, and hence it is not to be understood that because staff officers are commissioned with actual rank that therefore they will have the right to command.

The committee believe that they should still retain the titles which they now have descriptive of their duties and their corps, but think their status in the Navy in the matter of rank should be thus firmly established.

The flow of promotion in all the different staff corps was found to be healthy, with the exception, possibly, of that in the Construction Corps, where the lower grades are likely to become somewhat congested in a few years owing to the fact of the small numbers in the upper grades, and the further fact that after the retirement of the present five senior officers there will be no more retirements for age for about fifteen years.

The present status of the Construction Corps was fixed on March 3, 1871. On January 1, 1872, the Construction Corps was fixed at 16 officers, 2 of whom had the relative rank of captain, 3 the relative rank of commander, 4 the relative rank of lieutenant-commander, and 7 with the relative rank of lieutenant. On January 1, 1898, as shown by the Navy Register, the Construction Corps consisted of 37 officers, with rank as follows: Two with relative rank of captain, 3 of commander, none of lieutenant-commander, 12 of lieutenant, and 20 of junior lieutenant.

It will be seen from this that the numbers in the upper grades are too small in comparison with those in the lower grades as well as in those in the whole corps, which has now more than twice as many officers as when their present status was determined. It may be said that the Construction Corps is constantly increasing in numbers, owing to the increase of the Navy and the fact that its numbers are not limited by law, and that probably in a few years it will number at least 50 men.

This measure gives the corps 10 officers above the rank of lieutenant-commander, whereas to-day it only has 5; 5 of these being with the rank of captain and 5 with the rank of commander.

It further provides that the assistant naval constructors shall be promoted to the grade of naval constructor after not less than eight nor more than fourteen years of service as assistant naval constructors.

It is believed that this provision will give a definite flow of promotion, which would prevent stagnation occurring in a few years, which is likely to happen in case there is no change in existing law.

There is a further provision in this bill that all officers in the Navy, both line and staff, with a creditable record, who served in the late civil war, shall when retired have the rank and three-fourths the pay of the next higher grade. It seems no more than proper that the officers who served honorably during the war should be thus rewarded on their retirement.

NAVAL CADETS.

This measure provides for the restoration of the time-honored title of "midshipman," which was abolished by act of March 5, 1882. Midshipman was a term used to designate the young men who were being trained for naval officers, and it is eminently appropriate that it should be restored, as would be possible upon the passage of this measure, on account of the establishment of the same course for all students at the Naval Academy.

The abolition of the two years' course at sea is something that has been felt by naval officers for many years to be desirable. It makes the same arrangement for graduates of the Naval Academy as has always obtained for graduates of West Point.

Under existing law the naval cadet at sea is in a very anomalous position. He is treated as a commissioned officer and yet has not even an appointment from the President, and questions have arisen from time to time as to the legality of his performing much of the duty that the requirements of the service make absolutely necessary.

WARRANT OFFICERS AND ENLISTED MEN.

This measure provides for the establishment of a new grade of officers, called chief boatswains, chief gunners, chief carpenters, and chief sailmakers, to rank with, but after, ensign, to which only warrant officers, after ten years from the date of their warrant, shall be eligible.

They are to be promoted after they have successfully passed an examination by a board of commissioned officers of the Navy in accordance with regulations prescribed by the Secretary of the Navy, and shall have the same pay and allowances as those of the ensign.

Under existing law the warrant officer can not rise to the grade of commissioned officer. There is a provision, however, to the effect that the President may, in his discretion, appoint a warrant officer to the commissioned grade, but this has seldom, if ever, been exercised.

It is believed that the establishment of this new grade would have a very beneficial effect upon the enlisted man. It would place it in his power to rise to the rank of commissioned officer when his ability entitled him to such advancement, and hence would be a strong incentive to better service. It would remove a disability which exists only in the Navy, and not in the Army. It would remove a cause of discontentment among enlisted men and tend to stimulate devotion to their country. It is believed that the prospect of a commission for the enlisted man would also encourage the enlistment of our best American youth, who to-day find little attraction in a service which shuts them out of commissioned grades. It would give us American seamen for American ships. There is still a large percentage of foreign-born men in our Navy, although in recent years there has been much improvement in this respect. It would place a commission within the reach of the boy who can not secure an appointment to the Naval Academy as well as of him who can, and in that way tend to equalize the conditions between them. The Navy should hold out to the enlisted man as many rewards for patriotic service as it is possible consistently to do.

This measure also further makes provision for increasing the efficiency of the force of skilled mechanics by establishing the position of warrant machinists to the number of 100, who shall be appointed by the Secretary of the Navy after having successfully passed an examination. This examination shall be open to machinists by trade, of good

record in the service, and then afterwards to any machinist of good character in civil life.

Their pay shall be \$1,200 for the first three years, and \$1,400 thereafter, with privileges of retirement under the provisions of existing law for warrant officers.

The object of this portion of the bill is to increase the efficiency of skilled mechanics, by offering such reward for skill, faithfulness, zeal, and conduct that the best class of mechanics will be induced to enlist in the service and remain.

At present the continuous-service system alone does not hold the best and most capable men, who seek greater compensation elsewhere. While it is hoped and believed that the service itself can always be relied upon to provide the requisite number of competent men for this warrant rank, the provision for the entrance of men directly from civil life was made to provide for contingencies, and it is thought that in such cases men of considerable experience at sea on fast merchantmen would find the inducements sufficient to enter the service.

This measure further provides for a four years' enlistment, instead of one of three years, for the men of the Navy. Such a change would give the Government a better return in the way of actual uninterrupted service for three years on board a cruising ship by having a margin of service for "setting up," as it is called, at the beginning of the enlistment, and also a margin for an unexpectedly long cruise. It not infrequently happens that the enlisted man finds himself in a foreign country at the end of his three years' service, in which case the Government is at the expense of sending him home.

And it is further provided that all enlisted men of the Navy shall have all the privileges granted by law to the enlisted men in the Army and Marine Corps; that is to say, they shall have the privileges of retirement after thirty years' service.

There is also a further provision to the effect that the men of the Navy shall take the oath of allegiance, which they do not take to-day, and which it is important they should take.

THE MARINE CORPS.

This bill makes provision for a much-needed reorganization of the Marine Corps. This is based upon recommendations of the colonel commandant of the Marine Corps, which, after submission to the Secretary of the Navy, were by him referred to a board for careful consideration, and on the favorable report of this board were recommended by the Secretary to this committee for favorable consideration in connection with this bill.

The object of the reorganization is to give a number of officers suitably proportioned to the number of enlisted men, and so distributed as to provide properly for the performance of duty and to give a reasonable rate of promotion.

In many respects the organization of the officers of the Marine Corps is totally out of proper relationship to the number of enlisted men, inasmuch as the latter have been increased several times, until they now amount to 3,073 men.

At present the commandant of this corps has only the rank of colonel, and the bill proposes to give him the rank of brigadier-general. This seems eminently proper in view of the fact that from 1867 to 1874 the rank of the commandant was brigadier-general at which time the

number of enlisted men in the corps was smaller than at present. Again, no colonel in the Army commands such a number of men, which is equal to more than four regiments according to the present strength; and there are departments of the Army commanded by brigadier-generals which have not the number of enlisted men that are in the Marine Corps. All the departments of the Marine Corps are subject to the commandant, and all orders affecting the movements of officers and troops, ashore and afloat, or pertaining to the efficiency and discipline of the corps, emanate from his office. It would seem that the reasons which led to the bestowal of the grade of brigadier-general on the commandant in 1867 are of equal if not of greater force at the present time. In the Army there is a general officer for every 1,700 men, while the Marine Corps has none for its 3,000 men.

The number of field officers is also increased by this bill from 7 to 12. There are 15 posts or shore stations of the corps, and the number of enlisted men assigned to duty at each make such posts appropriate commands for field officers. Many of the officers now performing duty in the Marine Corps (corresponding to that of field officers) are junior in rank by one or two grades to officers of the Army and Navy who have duty of similar importance and responsibility. The bill will furnish officers of proper rank for such duties and will tend to correct the disparity at present existing between the numbers of field officers and the officers in lower grades.

The number of officers below the rank of major is increased from 60 to 90. This change is consequent upon the increase in the number of enlisted men and of stations at which the marines have duty to perform. A list was submitted to the committee showing the exact assignment of all the officers, and justifies the number recommended.

There is also a provision that the senior officers of the general staff of the Marine Corps shall have the rank of lieutenant-colonel—the rank now provided being major. It is believed, that with the increased rank of the commandant and in view of the responsible duties performed by these officers, the rank recommended is not too high. It is provided that when vacancies occur in these positions in the future the officers appointed to fill the vacancies shall have the rank of major until a period of thirty years after their entrance into the service.

It is also provided that these staff positions shall be filled from the line of the Marine Corps—a very suitable provision, as insuring the appointment of officers well qualified by actual service and as a reward to specially deserving officers.

Provision is made for filling a number of the vacancies which will be created by this bill in the grade of second lieutenant from officers in the Marine Corps, commissioned to serve during the war with Spain, and the committee is advised that great care is being taken in the selection of these volunteer officers, in order that if this bill should take effect the ones who would become regular officers will be men who have had a great deal of military training.

Provision is also made for the appointment of meritorious noncommissioned officers to commissions in certain cases and under proper regulations. This feature harmonizes with other sections of the bill, and, as has been stated elsewhere, is believed by the committee to be a very desirable feature, as encouraging the enlistment of a better class of men and maintaining a higher esprit among them.

There is also a provision for the examination of officers in the Marine Corps above the grade of captain before being promoted to a higher

grade. The intention of this examination is to ascertain that officers are thoroughly sound physically and are mentally and morally qualified for promotion. At present there are no examinations, and there have been cases where officers were almost unable to perform duty, and certainly did not perform it efficiently, and yet under existing law could not be retired as long as there was no legal requirement for their being ordered up for examination.

The section relative to the senior officers of marines of fleets or squadrons proposes to assimilate the practice for the Marine Corps to that for the staff corps of the Navy, where an increase of pay is provided for the senior officers of each corps in a fleet or squadron.

The total increase in the number of officers is 35, and the committee feel that this increase is entirely warranted. The present number of officers is much smaller in proportion to the number of enlisted men than in any other military organization under the Government. With the present number the duty falling upon officers has become very severe, and in order that duty may be efficiently performed it is essential that the number should be increased.

While Congress in legislating for servants of the Government must be guided by the necessities of the case, with little room for sentiment, it is not inappropriate to mention that the record of the Marine Corps is a very gallant one. Congress has by joint resolution on nineteen different occasions tendered its thanks to the marines or expressed its high appreciation of their valor and good conduct. The legislation recommended is intended—like all the other sections of this bill—to make this organization thoroughly efficient and in a condition to respond effectively to every demand that may be made upon it.

The total increase of expense in consequence of the increase in the number of officers, and the other changes recommended for the Marine Corps in the bill, is estimated at \$72,400.

In concluding this general statement with regard to the bill, the committee wish to emphasize the fact, which has already been briefly mentioned; that this is the first time in many years when a bill relating to the personnel of the Navy has come before Congress having the unanimous approval of all the officers of the Navy and the cordial indorsement of the Secretary of the Navy. Hitherto members, however desirous of mitigating evils or redressing grievances in the Navy, have been so embarrassed by the conflicting claims advanced by different officers that it has been practically impossible to draft a bill calculated to secure the approval of Congress. The bill which is now presented avoids all these difficulties, will greatly improve the efficiency of the Navy, and must commend itself to the approval of every member who will carefully study its provisions.

Although the original draft of the bill was prepared in time of peace, and when it was not considered probable that we would soon be at war with any other country, it so remedies existing evils and increases the efficiency of the service that it is of great importance that it should be promptly passed. The Navy has been doing most gallant work in the war which is now upon us. Thus far little has been done by Congress to show the high appreciation in which these gallant defenders of the nation's honor are held by the people. They have not asked anything in the shape of a reward, but simply that an unfortunate state of affairs which has been sapping the efficiency of the service should be remedied. This remedy will be provided by the bill under consideration, and the committee urgently recommend its speedy passage.

CONSIDERATION OF THE BILL BY SECTIONS.

Section 1.—This section provides for the amalgamation of the line and the Engineer Corps. The reasons for its enactment have been well set out in the report of Assistant Secretary Roosevelt accompanying the draft of the bill which was sent to the Secretary of the Navy. Briefly, it may be said that the amalgamation is for two main objects—to increase the efficiency of the Navy and to increase harmony.

It increases efficiency by uniting into one corps, with absolutely the same interests, two bodies of officers trained in almost precisely the same way, and who yet have had enough points of difference to lead to much hard feeling at times.

Efficiency will be increased by having the entire line of the Navy competent to perform any duty connected with the government of the crew and the handling of her battery or motive power.

The new system also gives much greater elasticity. At present, with officers detailed for one line of work alone, it may often happen that there may be need for the services of an officer with the battery and some of the engineers could be spared, but they have not had the training for the position. In the same way it may happen that engineers would be needed and there would be line officers to spare, but they have not had the training for engineering. Under the new system, where all officers are trained for duty in any department, there will never be any trouble about assignment to duty.

Sections 2 and 3.—These are administrative details necessary to carry out the amalgamation as provided for in section 1. They were given extremely careful consideration by the board which framed this part of the bill, and were adopted with the desire to be entirely fair and just to all officers in the Navy. Owing to the fact that the engineers have been appointed under different laws, with different systems of training, it was impossible to make any one general rule that would apply to the whole corps. If in a few cases there is an apparent discrimination against the engineers it is only apparent, and is because it is impossible to arrange any other plan. There was a very evident desire on the part of the line officers of the board to treat the older engineers who served during the civil war with very great consideration, and the basis on which the amalgamation for them is proposed was considered to be the best practicable one.

Sections 4, 5, and 6.—These sections divide the transferred engineers into three divisions. The older men, all of whom are above 50 years of age, are naturally too old to take up a new profession.

The middle section is composed almost entirely of graduates of the Naval Academy, and they are given the option of qualifying for the general duties of the new line or of retaining engineering duty only.

The bill gives them six months to make the election, and while it is not definitely specified, it is perfectly understood from section 6 that any officers who did elect to qualify for general line duties would be given at least as much time before the examination as is provided in section 6 for those who are compelled to qualify.

The third section of the transferred engineers comprises those officers who were appointed as naval cadets and who, for three years in many cases and for four years in some, pursued absolutely the same course as the younger line officers. It is perfectly reasonable to require them to qualify for the general duties, because otherwise it would be to admit that the whole idea of the bill is a false one; that is, that it is

perfectly possible for a man who takes the training in time to qualify himself for duty both on deck and in the engine room.

It may be said in connection with this that before these sections of the bill were adopted the general opinion of engineer officers in the service was obtained, and the great majority were entirely favorable to the provisions as drawn.

Section 7.—The total number of officers in the new line provided for is 1,020, which is about 50 less than the sum of the numbers recommended by the Secretary of the Navy in his last annual report for the line and Engineer Corps.

The number is a conservative estimate to provide for the actual necessities of the service in times of peace, and is actually less than the numbers recommended as desirable for a peace footing by the chiefs of the bureaus most interested in the numbers of officers in the two corps.

The numbers in each grade were settled after very careful consideration and a thorough discussion of the necessities of the case, as well as a consideration of the objections which might be made in some cases.

The various provisos of this section are to assure to the chiefs of bureaus the same rank that they now have, and also to provide for the occasional case where a small squadron is placed under the command of a captain as commander in chief. In all foreign services an officer so detailed has the temporary rank of commodore, and this is provided in the bill.

The next to the last proviso is to allow for the retirement of officers in the grade of captain who may have served in the civil war or who may be retired to create the necessary flow of promotion, as it was not considered desirable to retire these officers in the grade of rear-admiral. None of them will ever reach the grade of commodore.

The last proviso of this section is the one which does away with the anomalous and indefinable relative rank for staff officers and confers upon them actual rank, the same as other officers in the Navy and as staff officers in the Army have enjoyed for many years.

Sections 8 and 9.—These two sections are vital elements of the bill. It has long been evident to careful students of the efficiency of the service that some scheme of selection for promotion was necessary to insure a uniformly high average of ability in the upper grades of the service, where so much responsibility comes on the officers and where officers who may have done well enough in a lower grade would not give satisfaction. The method provided in the bill promotes only the most meritorious officers, but it does this not by selecting specially brilliant ones out of their turn to be promoted, but by selecting those who are not so meritorious to be placed on the retired list. This has the great advantage that it leaves little or no heartburning.

It is inevitable that any system of selection in which certain people are advanced while others remain stationary or go behind will cause the latter to be disgruntled. The system recommended provides that those officers are to be retired from active service, and therefore they go out of the active list and take their grievance with them, so that those who are left have nothing to interfere with their highest efficiency, and in fact are stimulated to greater activity and greater efforts to render themselves more and more proficient.

These sections of the bill are aimed to secure the relief of the stagnation in promotion which now exists, and also to prevent any recurrence of such a state of affairs. Such a system has the double disadvantage of keeping certain officers all their lives practically in subordinate grades, while others fly through these grades in a few years and attain

command rank before they have had the requisite service in the lower grades which is necessary to train them.

These sections of the bill prevent these features of inefficiency and assure not only that the best officers shall attain command rank at an age when they can render efficient service, but that they shall have served long enough in subordinate grades to have been properly trained.

Section 8 provides for the voluntary retirement of officers, and section 9 for their compulsory retirement. It might often happen that on account of enfeebled health or some other good reason an officer would know that his chances of promotion were not good, and section 8 allows him to make application and, in the discretion of the President, to be placed on the retired list. When the number who retire voluntarily is not sufficient to make the necessary number of vacancies, then section 9 provides that a board of admirals shall be appointed to select the officers who are to be retired, taking their records as on file at the Navy Department.

In connection with this record it is to be stated that every six months a report is made to the Department on every officer in the service by the commanding officer of his vessel, or the commandant of the station, or the chief of the bureau where he may be serving, and in order that no injustice may be done to officers in these cases the officer reported on is given an opportunity to reply to any unfavorable comments made by his superiors. These reports are kept on file at the Navy Department, and when the board of admirals has to investigate the records the papers are there for that investigation.

Section 10.—Provides for a readjustment of numbers in the construction corps. The readjustment is designed to give an increase in officers of high rank in the corps, consequent upon the gradual increase of total numbers in recent years, and to provide for the promotion of the junior officers after a certain number of years of service, inasmuch as in a few years the oldest officer in the corps will be but some 45 years of age, so that there could be no promotions by retirements for a period of about fifteen years.

Section 11.—This provision was designed to give all the officers who served during the civil war creditably some additional reward, and in the original draft it had particularly in view the older engineer officers, many of whom when transferred will occupy such a place on the list that they can not be promoted before retirement. This in effect simply gives them the same retired rank and pay as they would have received had they gone on the list at a place high enough to entitle them to it.

It was the idea of this section also that, as many of the officers who could take advantage of it are now well along in years they would be glad to avail themselves of it, and this would at once relieve the terrible stagnation and enable the officers in lower grade to be advanced before they are too old to perform efficiently the duty of the higher grades, and in time to give them some of the honors and rewards of the service for which they have been working for many years, as originally this section provided only for the officers of the new line; but as the committee could see no reason why its provisions should not apply to all officers who served creditably during the civil war, in this bill the section has been so drawn as to include all such officers.

Section 12.—That part of this section which restores the title of "midshipman" to the students at the Naval Academy is necessary because existing legislation requires that they shall be called "naval cadets." The abolition of the two years' term of further preparatory service at sea has been urgently recommended by all the officers of the Navy as desirable in every way. It is believed that the young officers

will be much more efficient if commissioned on the completion of their academic course, and this will treat them in exactly the same way as the military cadets are treated when they come into the Army, where they are given commissions immediately upon their completion of the four years' course at West Point.

Section 13.—Section 13 gives to the cadets who are now at sea the same relief as section 12 gives to those at the Academy in abolishing the cadet service at sea and making them commissioned officers on graduation.

Section 14.—This provision is designed to promote worthy warrant officers to a higher rank equal to that of the lowest commissioned officers. It has been believed by many who have studied the subject carefully that this provision would raise the tone of the warrant officers, and beyond them would act upon the enlisted men to induce the best and most capable to remain in the service with the hope of making a good record and ultimately to attain a commissioned grade.

In order that the door shall not be opened to any incompetent or unworthy men by the simple fact of having attained a certain length of service, the provision is inserted for their examination by a board of officers.

Section 15.—This section provides for the pay of the new line of the Navy and makes it the same as that of the officers of the Marine Corps or the infantry of the Army.

The reasons for recommending this rate of pay have been set out at considerable length in the general statement in regard to the bill and need not be here repeated.

It is pertinent to remark that nothing was said about change in the pay of the other branches of the service for the reason that it was generally understood that the other corps were satisfied with their pay as it now stands. In all of these corps promotion to what may be called the grade of superior officer is on a longevity basis, which assures officers adequate compensation.

This has not been the case in the line of the Navy, where, under the former pay table, there was practically no longevity, and the pay depended altogether too much on the mere chance of rapidity or slowness of promotion.

Sections 16 and 17.—These sections cover the appointment and pay of warrant machinists. It is believed that these provisions will improve the efficiency of the enlisted force of skilled mechanics.

Section 18.—This provides for a four years' enlistment instead of three for the men of the Navy.

To carry out the four years' term of enlistment, section 1573, Revised Statutes, requires amendment; and, not to decrease the privileges given by the existing laws for continuous-service men, the increase of pay per month for reenlistment every four years was made \$1.36, instead of \$1 as at present, for every three years. For like reasons the limitation for reenlisting between enlistments was made four months, with pay for that line, instead of three months, as at present. Therefore, at the end of thirty years' service a man will have received the same amount of additional pay under the proposed law as under existing law.

Sections 19, 20, 21, and 22.—These sections cover the reorganization of the Marine Corps, and include a provision for the appointment of worthy noncommissioned officers under suitable regulations to commissioned rank.

Section 23.—At present the men of the Navy are not required to take an oath of allegiance, and this section was inserted to provide for this omission.

PROPOSED PERSONNEL BILL,

WITH

A REPORT BY THE ASSISTANT SECRETARY OF THE NAVY TO THE DEPARTMENT.

NAVY DEPARTMENT,
OFFICE ASSISTANT SECRETARY,
Washington, December 9, 1897.

SIR: I have the honor herewith to transmit the bill prepared by the board of which you appointed me chairman, to consider the personnel of the Navy, so far as concerned the amalgamation of the line and engineers, the remedy of the present stagnation in the lower ranks of the officers due to defective flow of promotion, and the standing of the enlisted men. I shall treat the three subjects separately; but I take very great pleasure in saying that the board, with the exception of one member, reports unanimously in favor of every section of the bill but one, that relating to the flow of promotion; and as regards this flow of promotion the board is unanimous that it is necessary to create and further it, and that for this purpose vacancies may have to be artificially created, at least on occasions, although three of the members of the board dissent from the views of the majority as to the method of making these vacancies.

It is a pleasure to state my appreciation of the way the officers on the board approached its work and their high sense of their responsibilities; and I am glad to say that on no vote, where there was a difference of opinion, was the line of cleavage so drawn as to leave all the engineer officers on one side or all the line officers on the other. From the outset it was evident that the board intended to treat the matter not merely with a full sense of its importance, but with a resolute determination to subordinate every other consideration, whether of individuals or of classes, to the interests of the Navy and the nation. It is because of this attitude on their part that I am able, without qualification, to report to you that the bill they have produced would, if enacted into law, be of literally incalculable good to the Navy, and would make our naval service the pioneer in the proper solution of problems, some of which are old, but some of which are so new that they have not yet been solved by any naval nation.

The board recommends (*a*) that the line officers and engineers be amalgamated; (*b*) that when the number of officers to be promoted is so far in excess of the vacancies as to cause stagnation in the service, the requisite number of vacancies shall be caused by weeding out the men who are least fit to meet the heavy requirements of modern naval duty; (*c*) that the enlisted men aboard ship shall be given the same reward of pension and retirement enjoyed by their brethren who fight

ashore, while the uppermost machinists are made warrant officers, to rank with the gunners and carpenters.

1. Within the lifetime of a generation steam, with its attendant complicated machinery, has been made the motive power of war vessels, and there is a tendency now everywhere visible to add electricity to steam and to multiply the number of engines in every great war ship, so as to furnish not only the motive power, but the power by which the turrets, guns, and hoists are handled. This has necessarily produced a revolution in the organization of the personnel on board modern war ships. There will always be special need for men with the sea habit, who are accustomed to the ocean, who already know how to take care of a boat or handle themselves aboard of a ship, because such men show themselves the handiest and most resourceful in any emergency, the profession of the sailor man being of course that which develops the very attributes most needed in any sudden crisis on the sea. But the class of sea mechanics has steadily grown in importance, and even among those of the crew who are not technically mechanics—those who handle the guns and ammunition hoists, for instance—there is a constantly increasing need for a good degree of mechanical capacity.

All this applies as much to the officers as to the men. There has been, in consequence, the friction and strain inevitable when a service long established on certain lines finds itself obliged to conform to new conditions. This friction has been immeasurably increased by the extreme suddenness with which the change has come. At the outset of the civil war sailing ships were still employed as part of the fighting force of our Navy, and at its end they had passed away almost as completely as the galleys with which, two thousand years before, the Greek, the Carthaginian, and the Roman had waged war for the mastery of the Mediterranean. But even at this time steam was chiefly used as an auxiliary, and the engines on board any ship were few and simple. The *New Ironsides*, the most our Navy at the powerful battle ship in close of the war, had but three cylinders; the *Iowa*, the latest launched of our battle ships, has 152. She stands to the older ship as a modern repeating rifle stands to the old muzzle loading smooth-bore. She is beyond all comparison more efficient, but she is also very much more delicate, and calls for far greater skill in those who are to handle her.

The first war steamers had to be commanded and officered by men who were trained in sailing ships, and who could not know anything of steam or machinery. In consequence there were also put on board them men to handle the engines, and these gradually grew into a separate corps. This met the immediate need, but of course produced the evils and jealousies arising from the existence in the same military unit of two separate bodies of officers with separate, yet closely inter-related, duties, each naturally firm in the belief of its own importance, and sensitive to any fancied slight by the other. The evil produced by such a state of things has been generally recognized, and all kinds of remedies have been advocated. As was natural, in groping about to remedy a new evil caused by new conditions, it has seemed very difficult to hit upon the right expedient. Yet in reality the remedy is simple and obvious. All that is needed is to make the line officer and the engineer the same man, by throwing both corps into one; or, in other words, to do away with the engineers as a separate corps by requiring all line officers hereafter to possess that knowledge, both theoretical and practical, of steam engineering and mechanics which it is absolutely indispensable for the thoroughly efficient modern line officer to show.

Every officer on a modern war vessel in reality has to be an engineer whether he wants to or not. Everything on such a vessel goes by machinery, and every officer, whether dealing with the turrets or the engine room, has to do engineer's work. There is no longer any reason for having a separate body of engineers, responsible for only a part of the machinery. What we need is one homogeneous body, all of whose members are trained for the efficient performance of the duties of the modern line officer. The midshipmen will be grounded in all these duties at Annapolis, and will be perfected likewise in all of them by actual work after graduation. We are not making a revolution; we are merely recognizing and giving shape to an evolution, which has come slowly but surely and naturally, and we propose to reorganize the Navy along the lines indicated by the course of the evolution itself.

There is a curious analogy between the condition of things at present and the condition of things in the great European navies two centuries and a half ago. It was in the seventeenth century that the modern fighting navy appeared, that the modern war vessel, commanded and manned by men trained specially to fight for the State, was differentiated from the vessel owned by private individuals and built primarily to trade. In the days of the Spanish Armada this distinction was still shadowy; the adventurous trader used ships that were heavily armed and in time of war was normally a privateer, while in any great crisis the private ships were joined with the State ships to constitute the fleet on which the nation relied.

Half a century later, under Cromwell, the English began that career of triumphant naval warfare which they waged at the expense of every other European sea power in turn, and which ultimately gave to them the mastery of the seas, and to their children, as a heritage, the continents that lay beyond the seas. In doing this work it was speedily found necessary to establish a permanent fighting force, for the privateers were merely ocean militia. In the formation of this fighting force there was at first a sharp line drawn between the men who handled the ships and the men who fought them. The men who managed the motive power were often entirely distinct from the men who directed the fighting. The first of the great English admirals was Blake. He was selected to command on the sea because he had commanded with distinction on land. His chief subordinates and successors in command were chosen as he was. It was their duty to fight the foe, and they usually left the sails to be handled by another set of men. Blake was a born commander, a born leader of men in battle, and he had in the men under him splendid stuff out of which to make sailors and sea soldiers; so that he and his successors won striking triumphs against enemies whose sea forces were administered under a system quite as faulty. Nevertheless, the faults of the system were so evident that it could not continue, and gradually the corps of fighting men on board ship was amalgamated with the corps whose duty it was to direct the ship's motive power, so that in time the fighting man was required also to know how to handle the ship he commanded. This of course meant that an additional demand was made upon both his moral and his mental powers; but the demand was met without difficulty, and the last in the line of succession of the great admirals of whom Blake was first were men like Hawke and Rodney, Nelson and Collingwood, who were equally efficient in fighting and in handling their fleets.

No half-way measure could have availed or could now avail. It would have been idle to try to do away with the fighting man, or to keep the sailor man distinct from him, while giving him the same title and power

of command. Neither sailor man nor engineer can have the power of command nor the title that goes with it unless he is himself trained in the actual fighting duties; if he forms part of a separate corps, he can not be in line of command, and his position and function must necessarily be subordinate. On the fighting ship the fighting man must stand supreme; only he must know how to handle his tools, and must change as the ship changes, so that precisely as he once knew about sails, now he must know about engines. There can be no divided command. Only one man can exercise it; but he must be thoroughly fitted for it. It is not necessary that he should possess the manual dexterity whether of the topman or of the engine driver; but he must have passed through the training which will enable him to oversee and direct their work.

A change like that which took place two hundred years ago must take place now. As then the sailor man who knew only how to handle a ship had to be merged in the trained officer, while the sea soldier who had once commanded his troops either ashore or afloat became also a sailor man, so now the line officer and the engineer must become one. "Engineer" is an elastic term, and even in the sense in which it is employed in the Navy it includes men of widely different duties. The actual engine driver—the machinist—is a man who corresponds with the man who actually handled the rigging on the old-style sailing ship, and what we really need in handling the engines is a body of machinists whose upper men shall be warrant officers, ranking with the gunners, boatswains, carpenters and sailmakers. The constructing and designing engineers—the men who plan and build the engines—should be detailed for this purpose from among men who have shown special aptitude for the work, just as is the case with those who plan and build the huge and terrible guns with which modern war ships are armed. Between these two sets of men there is room for the line officer and the line officer only, but this line officer must be an engineer who, besides a theoretical knowledge of his subject to be acquired by special courses at Annapolis, must have had the practical experience to be gained by standing watch in the engine room aboard ship.

Of course, such a proposition naturally meets opposition. The old line officer wags his head at the thought of the new duties to be learned, just as one of Blake's lieutenants, in his fierce battles with the Dutch and Spaniards, would have wagged his head if told that he ought to know how to stand his trick at the helm or to handle the rigging; while the old engineer officer, untrained to military command, disbelieves in any but one of his own kind being able to acquire the knowledge of his profession. Nevertheless, the difficulties in the way of realizing the proposed scheme are in reality altogether shadowy. The engineers are now taken from precisely the same class of men, with precisely the same ideas as are the line officers, and when their duties are made those of line officers they will show precisely the same capacity for command. The line officers in turn are already of necessity continually doing more and more engineering work. Electricity, for instance, is in the Navy purely in the hands of line officers, who have developed it to a high degree; while the ensigns on our torpedo boats, who are in fact, although not in name, detailed as engineers aboard them, are having a training which guarantees their thorough efficiency hereafter in the engineering part of their profession.

In short, it is absolutely essential that the best naval officer of the future shall be proficient in engineering. The fact that Farragut knew nothing of engines has no more bearing on the case than the fact that

Blake knew nothing of sails. Exactly as Nelson, who succeeded Blake, had to know details of naval matters of which Blake was ignorant, so the Farragut of the future must know what the great victor of New Orleans and Mobile Bay had no chance to learn. This is an age of specialization; but there can be no specialization in command. In time it may very possibly prove desirable to differentiate, less by law than by departmental custom, among the officers at sea, so as to employ each principally along the lines for which he shows the most aptitude, but they must remain line officers, the major part of whose duties are identical; and the engineer must differ from his fellows only in the same manner as the navigator or the ordnance expert does. If it is objected that we are going to call for a very high order of capacity, we answer freely that this is precisely our intention. The successful command of a modern war ship does call for the exercise of a far higher degree of seamanship and far better discipline than were needed for the management of one of the old vessels. The best man to-day will be no better than the best man of past times. Decatur or Hull, Perry or Macdonough, reached a standard which we may be quite content to equal; but the ordinary man who could command a frigate well enough in old days would unquestionably make a failure now. We demand a higher degree of intelligence and greater nerve, and what we demand we will most assuredly attain.

It is more delicate work to command the *Indiana* than it was a century back to command the *Constitution*, but this is because in war, as in civil life, the demands upon the leader of men have steadily grown more exacting. The increased technical training will be in no sense a substitute for those qualities of daring resolution, cool judgment, power of command, willingness to run risk, and readiness to accept responsibility which have in all ages marked the great captains. It will merely be an indispensable addition.

One of the great benefits to be gained by the amalgamation of the line and engineers will be in discipline. At present it is inevitable that there should be more or less clashing and grumbling about the work of the machinists in connection with the work of the rest of the ship's crew; this must always accompany a divided command and the conflict of uncertain rights. The chance of any one portion of the ship's crew being either favored or oppressed by a particular officer because it is or is not in his division will vanish when all the divisions stand on the same footing.

To sum up, we must disregard the prejudices of the old-style line officer and old-style engineer, precisely as two centuries ago it was necessary to disregard the prejudices of those who would have kept separate the functions of the man who fought the ship and the man who sailed her. We must not be misled by any false analogies, nor must we fail to understand that the needs of a war navy differ radically from those of a merchant marine. The naval duties of the man who runs the engine and the man who builds it have no more necessary connection than have those of the designer of a crack racing yacht with those of the sailor man who helps tend sheet or helm after she has been built. On the other hand, the duties of a line officer already include, in addition to duties on deck, such highly mechanical work as is implied in the supervision of the electrical engines, the gun turrets, and torpedoes, not to speak of branches like navigation and the compass art. The building of engines, like the building of guns or torpedoes, must be done by special officers selected or detailed for the purpose. The actual driving of the engines, like the actual management of the sails,

and of the electrical and torpedo apparatus, must be done by the enlisted men. The duties of the present seagoing engineer officer, the man who is neither a constructing engineer nor an engine driver, must in the future be familiar to every captain of a war ship who is to get the best work out of his ship. They should be specialized only as the duties of the navigator, the compass or electrical expert, or the torpedo officer are specialized. All places of this kind alike should be filled by detail, and all alike should be in line of command.

To blink at facts does not prevent the existence of these facts. Whether a line officer is or is not required by law to know about the engineering duties aboard his ship does not alter the fact that he *must* know about them if he is to get the best possible work out of his ship. These duties are necessarily part of the duties of the fighting officer of the future. We can refrain from teaching him how best to perform them, but we can not ignore the fact that they will have to be performed. The men who now go down to the sea in ships must possess a thorough knowledge of the mighty and complicated engines of destruction with which, in time of war, they will have to contend for the mastery of the ocean. The captains in the conning towers of the battle ships that take part in the next great sea fight will have demands made upon them heavier than have ever been made in any sea fight in the past, and only those in every way fitted in advance to meet the exigencies of the supreme moment of their lives will be able to endure the strain without breaking down. The need must be met, and it is our duty to see that it is well met and that the officers upon whom this great demand is made are so trained that they shall stand level to the crisis.

2. The problem of combining the line and the engineers is comparatively new. The next problem, the solution of which is attempted in this bill, is how to provide properly for promotion. This is a very old problem. Many different solutions to it have been tried in actual practice. No solution has ever worked, or can work, so as to give entire satisfaction. But one of the worst of all possible solutions is that which the United States has adopted, that of promoting every one by pure seniority, without regard to merit, as long as he remains in the service at all. Nothing but the fact that the personnel of our officers is of such admirable quality has prevented the naval service from sinking into inefficiency under a system which rules out all chance of rewarding high merit or punishing any but the grossest demerit. This system of promotion by pure seniority is admirably calculated to produce long stagnation in the lower ranks, to secure the attainment of command only after the age when a man should begin to exercise command has passed, and, finally, to make the promotion of an officer dependent, not upon the zealous performance of his duties, but upon the possession of a good stomach and of an easy nature; while a positive premium is put upon the man who never ventures to take a risk, and who therefore never does anything great, but who also, of course, avoids the chance of what would seem failure in the eyes of the less venturesome.

The statement of the problem is easy. To properly man our ships we need about three times as many officers below command grade as above it. At present promotion goes purely by seniority, and each man, if he lives long enough, and if those above him die quickly enough, will go solemnly through all the grades, irrespective of his proficiency or lack of proficiency, so long as he is able to develop the very negative virtues requisite to keep him clear of a court-martial.

By the simple process of consulting any set of actuary tables it can be seen at a glance that this system insures a man spending much the largest part of his life, including his most active and vigorous years, in a subordinate capacity, including normally a quarter of a century as a lieutenant, while at the very end, when long service in subordinate positions has dulled his energy and probably rendered him unfitted to bear responsibilities, he is thrust for a brief period into command rank, and is galloped at absurd speed through the grades of commander, captain, commodore, and admiral. The only way to meet this condition is to provide for the elimination of some of the officers in the lower or middle grades, and thereby to hasten the flow of promotion and to reduce the age at which command rank is reached.

It was deemed best by every member of the board to try the process of eliminating the officers who were redundant, rather than of selecting the highest for promotion; for although the latter method is ideally the best, it would in any event have to be combined with the other, and it would in its actual working be open to far graver objections. The only difference in the board arose, not as to making the elimination, but as to the best method of making it. The three dissenting members favor some scheme by which the officers who are taken out shall be so taken by chance, or, as one of the members expressed it, "without the intervention of human intelligence." The majority of the board believe on the contrary that we should strive to exercise intelligence rather than trust to blind chance, and should try to eliminate the men who are least fit to perform the duties of the grade to which there is to be a promotion. This does not mean that they are unfit to perform these duties, but merely that among all of the officers who are fit they are less fit than their fellows.

Thus to choose them out, of course, does imply the exercise of human intelligence, and whenever human intelligence is exercised it is always possible that it will err; but it does not seem to us that we can safely assume such errors to be the normal results of its exercise, if we are to go forward at all.

It is obviously wisest that the choice of the men thus to go out should be left to a board selected from among the best of their professional brethren. Undoubtedly the friends of any man who is in jeopardy will strive to bring pressure of every kind for his retention, and the pressure most to be feared is that which is political. This can best be resisted by a board of officers of the highest grade who we may be sure will normally, as required by their oaths, disregard it; for as a body naval officers are singularly free from political pressure and are single-minded in their devotion to the service. It is highly undesirable that such a board should be hampered by law in the way of restrictions upon the methods of exercising their power. To limit them in cut-and-dried fashion would be again to exclude them from exercising that intelligence upon which, combined with a disinterested zeal for the service, we must rest our hopes for the improvement sought to be attained. Their decision should, moreover, be final, and without appeal; but as the men selected to go out would not be so selected because they were unfit, but merely because the others were more fit, their interests being thus sacrificed to the interests of the service as a whole, it is deemed desirable that amends be made to them, so far as may be, for the sacrifice thus exacted, and that they be retired as of the grade above the one in which they are actually serving.

Of course the board which makes these selections will err from time to time, this being simply another method of stating that they are

human; but, at the worst, when they do err the results will simply be as bad as if it had all been left to chance, and when they do not err the results will be very much better. Occasionally men will be put out who are better than the least good of those that are left in; but it is safe to say that the best men will never be put out, as they sometimes would be if the outcome was left to chance "without the intervention of intelligence;" and that those who are actually put out will generally be the least fit, and almost always among the least fit. The net result will represent a very great improvement.

Some plan of this kind is absolutely necessary, unless we wish to see the junior officers of a ship men whose hair has turned gray during the generation which they have passed in subordinate positions, while the command is exercised by men who reached it long after the time when they should have assumed it, if their fitness is properly to respond to the measure of the needs of an honorable service and a mighty nation. There must, therefore, be some kind of weeding out, some kind of elimination of the redundant men whose presence checks the indispensable flow of promotion. The only question is as to how this weeding out shall be done. There are various systems possible, but fundamentally they fall into two divisions. One of these contains all where promotion is based purely on the automatic operation of law, elimination being likewise the result of such automatic action, so that it is a matter of chance who is hurt or benefited. The other contains those systems where an effort is made to promote or eliminate men in accordance with their merit, running the risk of the promotions or eliminations being occasionally made from favoritism of an improper kind—a risk that must be run in any human scheme to reward good, or punish poor, officers.

Some evils will attend the adoption of any system, but the essential contrast between the two possible methods is that offered by the two diverging views which obtain among the members of the board. The majority deem that in separating the best officers from the worst it is safest to trust to a body of the highest officers in the service, who have the interest of that service peculiarly at heart. The minority believe that in this most important of functions we should exclude the operation of that human intelligence upon which we rely for all functions less important and should trust to a blind chance which would be exactly as apt to strike the future Farragut or Cushing as it would be to strike the man whose one ambition is to go through his term of service with as little trouble to himself and with as much avoidance of responsibility as is compatible with escaping the overt censure which alone would at present bar him from promotion.

3. In providing for the rearrangement of salaries it has been necessary to make an increase in the amount paid by the Government to the officers of the new line, as it will be when the old line and engineers are united into one. Part of the increase is due to the fact that we provide the additional officers imperatively called for by the needs of the new Navy. We have not enough officers now to man all of our ships, and even where some of them are laid up in ordinary the battle ships that go to sea are painfully short of their complements.

Furthermore, the pay of the officers has been graded so as to make it equal to the pay of the other servants of the Government engaged in similar duties. At present the line of the Navy is the most poorly paid branch of the entire Government in proportion to the duties performed and the responsibilities involved. It is difficult to speak with proper restraint of a system which cuts down below the pay of all

similar servants of the Government the scanty salaries of those men to whose valor, energy, and lifelong zeal the honor of the nation is especially intrusted. The engineers are paid at a much higher rate than the line officers; and in the event of the two corps being combined it is certainly desirable to raise the pay of the old line officers rather than to diminish the pay of the old engineers. All that has been done is to equalize matters by giving the new body the pay now granted to the marine officers and the Army. At present the anomalies in the Navy are grotesque. Out of a given number of graduates from Annapolis the men who go into the line—the men out of whom we are to make the Perrys, Footes, and Hulls of the future—are paid the smallest rate of all. The men who take charge of the marines are paid more, and most of all is paid to those who stay ashore to build the ships which the others handle.

In one of the offices of the Navy Department at present there is on duty a graduate of Annapolis, a line officer who receives a salary of \$2,400. One of the junior assistant constructors also on shore duty is this officer's son, also a graduate of Annapolis some twenty-five years later than his father graduated. They will both receive a raise of pay next year, and their rates of pay will then be precisely the same. In the Department here at Washington one of the naval aids on duty graduated from Annapolis twenty-three years ago. One of the assistants who is in the construction department graduated six years ago. He receives \$400 more than the naval aid, who was his instructor at the Academy during the period that he was there. Most emphatically there should be no cutting down in the salaries of any of the other officers; but those of the line officers should be raised. It must be remembered that with smaller salaries the line officers have greater calls made upon them. When our ships are abroad, or when foreign ships are in port, our officers often have to entertain the officers of foreign powers; and they are too proud of their ships not to do this entertaining in the way that it should be done, though it forms a very serious drain upon their slender purses.

The grade of commodore is abolished, save for the special temporary purpose of command of a small squadron and the chiefship of a bureau. To send one of our fleets abroad with a commodore in command, as is now frequently done, of necessity means that we put the American commander in a position of inferiority in point of rank to the commander of every European fleet which he encounters, and this certainly should not be done.

4. The board has sought to raise the standard of the enlisted men in two ways. In the first place, we have, as above outlined, provided for warrant officers among the machinists, who form so considerable a portion of the ships' crews. This is a reform which had just been adopted in the British navy. In the next place, we confer the same rights as regards retirement and pension upon the sailors that are already conferred upon the soldiers, lengthening at the same time the period of enlistment. Of late years the Department has steadily sought, and with a constantly increasing measure of success, to raise the tone of the enlisted men. Year by year the percentage of the native-born grows larger, while the number of those who are neither native-born nor naturalized is being gradually eliminated.

The character of the enlisted men for sobriety, intelligence, daring, and resource in time of crisis is improving steadily. The apprentice system has worked very well indeed. It is eminently worth while for the Government to attract to the service and to keep in it the very

best material. The men who in times of stress can do the best for the flag are those who regard the Navy as their life career and the war ship as their sea home—men in whom habits of discipline and order become second nature, and who also grow to handle the great guns and the complicated engines with almost automatic familiarity. By the establishment of the grade of warrant officers we have held out the chance of good promotion and honorable reward to the men who do best, and for all alike who do their duty faithfully we should provide a proper pension and a proper chance for retirement.

5. The only other change of importance in the bill is that which provides for a four years' term for the cadets, restoring to them their ancient and appropriate title of "midshipmen"—a title connected with the Navy by a century's honorable use, and one which by immemorial association has come to have a meaning in the service such as can not possibly attach to the word "cadet." The bill proposes to do away with the two years' term of service after graduation before appointment. The great majority of the naval officers consulted heartily favor this proposition. They state that at present the young fellows who are on their two years' cruise after leaving Annapolis do not get the benefit of that cruise, because they are absorbed in preparing for the pedagogic examination at its end, and that they will learn their duties far more quickly and better and will more rapidly become practical sea officers if they are only required to pass the necessary pedagogic examination at the end of the four years' term in the institution itself and are immediately afterwards put on the footing of other officers in the service. At present there is practically no weeding out by these examinations, so that the two years at sea is in no sense a probationary period, and all that is gained is that during this very important first two years the men are distracted from learning the practical part of their profession by being obliged to continue a course of preparation for examinations, of a type indispensable in fitting them ashore for sea service, but inadvisable after they have actually begun that sea service.

I have now, sir, given the reasons for every important feature of the bill which the board has the honor to recommend for your sanction and for adoption by Congress. The bill is so obviously in the interest of the whole service, it will so unquestionably benefit that service and raise the profession of the United States naval officer to a still higher level, that it seems unlikely that there will be serious objection to what it proposes to do, save perhaps on one point. This is the matter of expense. If the recommendations of the board are carried out, if the increase of officers which they deem desirable is required by law, and if these officers are paid as the Marine Corps and Army officers are now paid, there will be an additional cost of nearly \$600,000. I should not recommend the expenditure of such a sum for any but an important object. Nevertheless, sir, I not only recommend it in this case, but I wish to state with all the emphasis possible that in my judgment the question of expense is unimportant compared with the benefit to be gained.

It is a vital necessity from the standpoint of the nation to have our naval service perfect at every point. To provide target practice for all the ships of our Navy now necessitates the expenditure of almost the same sum, that is, \$600,000 a year. This allowance for target practice should be increased, not diminished, for it is all important to have our ships at the highest pitch of military efficiency; and for the same reason there should be no hesitation in providing for the necessary increase of

officers and their proper payment. There is no use in having the best ships and the best guns if these ships are not to be handled in the best way and the guns served with the utmost accuracy. Much depends upon building our ships and guns, but even more depends upon using them aright after they have been built. We can hardly pay too high a price for the highest performance of duty afloat, and the best use of the material—that is, the most perfect training of the personnel—can only be obtained by the expenditure of money. The men must be drilled, and drilled, and drilled again; the ships must be maneuvered in squadron month in and month out; the practice with the great guns at targets must go on without ceasing. Only in this way can the best results be reached, and in this way they are certain to be reached. The personnel is the vitally important point in any navy. It pays to wear out the matériel in training the personnel, for the result is that the personnel reaches such a pitch of perfection that it can respond to any possible demands made upon it. It is wise to expend money freely upon the tools with which the officer works, and the most important of these tools is the officer himself.

All that is done—the building of the ships, the training of the men, the education of the officers, and the continued struggle to perfect armor and instruments of war, for which millions upon millions are being yearly spent by all the non-effete nations of the world—is for one purpose. All efforts focus to the one crucial period, the hour of battle, where, when once started, the one mind—that of the captain alone—decides whether the vast machinery of the battle ship responds well or ill to what is demanded by all the weary years of preparation. It will be an hour of high tension, when the man in the fighting tower must not fail his country, and it is our duty to see that the man placed there is so chosen and so trained that he can stand the grave test to which he will be subjected. We owe it to him that he should be properly paid. We owe it to the nation that he shall be chosen by the exercise of the best intelligence and not merely by seniority.

We should consider well the question of the personnel. If neglected, all other efforts to perfect the Navy will be as nothing in the end. We must do away with every cause of weakness or disorganization. The captain in the fighting tower must feel that every key he touches, whether it leads to the engine room, the dynamo room, the torpedo chamber, or the gun turret, deals with but one system, which responds to his will with zeal and intelligence, and with single-minded devotion to the ship which at the moment stands for the country. In view of how much there is at stake, the nation should omit no effort, and be deterred by no ordinary expense, in promoting the highest state of efficiency in the personnel of the Navy.

Considering the matter from the merely monetary standpoint, I may point out that there has been no increase in the salaries of the officers during the years which have seen a nearly tenfold increase in the value of the ships intrusted to their care. In the old days a wooden sailing ship, with its armament of cheap cast-iron guns, cost little more than one-tenth of what a great modern battle ship costs. We demand in the men who take charge of our modern ships a degree of proficiency in the various branches of their highly complicated profession beyond comparison greater than what was formerly demanded. We require them to incur heavier responsibilities and run greater risk, and where their duties are so much more onerous it seems but right that they should be given the very slight increase of pay asked for.

Another reason why the Government should not be niggardly in its

treatment of the naval officers is offered by the very fact that these men put no money value on their services and disinterestedly spend their best energies and risk their lives on behalf of the Government without thought of money reward. In a nation like ours, which of necessity tends ever to develop the material side of life into undue prominence, incalculable good is conferred by the presence of a body of men, the flower of the nation, who are trained in a way that would insure an ample remuneration if they chose to go into money-making in private life, but who throw aside the practical certainty of private gain for the sake of devoting their lives to upholding the honor and interest of the nation as a whole. Surely it is not only just but wise to pay these men so that what they receive shall in some manner approach what they really earn. At present we pursue the opposite course, with the result that many of the best men in the service are continually being tempted to leave it, because outside they can earn salaries almost ludicrously disproportionate to what they get as naval officers.

If, however, it is deemed expedient not to provide for the increase of officers asked for, and for the payment of all of the line officers according to the rate paid the marine and army officers, I have two or three alternative propositions to lay before you. At present the engineer officers are paid more than the line. Under the proposed arrangement the members of the amalgamated corps must of course all be paid alike; and it would be harsh and unjust to reduce the engineer officers below what they are now paid. At present the pay of the line and engineers on the active list is \$2,226,500. If the active list is increased, and is paid as provided for in the bill submitted by the board, the pay will be \$2,749,350, which, with the additional commutation of quarters, would make an addition of about \$600,000. This would amount to just one-seventh of the cost of a first-class battle ship, not an excessive price to pay for the increase of efficiency. The chiefs of the Bureaus of Navigation and Steam Engineering, in their recommendations transmitted by you to Congress, have insisted that there must be an increase in the personnel of the line and engineers to do the work of the Navy as it now stands.

If their recommendations were carried into effect the total pay on the present basis and under the present law would be \$2,806,100. Allowing for a large increase in the commutation of quarters, the Navy pay under the proposed bill would not rise above \$2,888,000, so that the measure proposed by the board would cost but \$80,000 more in order to put the personnel on a permanently effective basis than would the increase recommended by the chiefs of the Bureaus of Navigation and Steam Engineering. If all our vessels were commissioned, as would be the case in the event of war, the commutation for quarters ashore would be reduced to a minimum, and the amount paid on the proposed bill would actually be less than would have to be paid under the present law if the increase asked for by the chief of the Bureau of Steam Engineering and the chief of the Bureau of Navigation—an increase which is indispensable if we are to get the best work out of our ships—were granted.

When the vessels now building and under repair are commissioned, the least possible number of additional officers needed in order to enable them to get to sea will be 180. Unless the increase we ask is granted, therefore, we shall be unable to man all our ships in the event of war. This proposed increase merely allows for a bare complement of officers for the ships. It does not allow as many as should be given them if

they are to be fought effectively. It represents the minimum number of officers for which this nation ought, in justice to itself, to provide.

In case the increase in the number of officers is allowed, however, and they are all granted the pay now given to the engineers instead of that given to the line, the net increase would be about \$135,000. If there is no increase in number—that is, if the present line and engineer officers are amalgamated and nothing added—then, with the proposed Marine Corps pay, the increase would be less than \$160,000. If under the same circumstances they were all given engineer's pay, the increase would be less than \$50,000. On either of these bases the increase, of course, would be so comparatively slight that it would be disregarded; but I earnestly hope that Congress will allow the entire increase asked for.

I have the honor to be, with great regard, very respectfully,

THEODORE ROOSEVELT,
Assistant Secretary.

The SECRETARY OF THE NAVY.

It may be that it will be necessary to substitute for section 13 of the proposed bill a section which is more explicit as to the pay of the retired list as it now stands, and of those who retire after the passage of the bill.

Some provision must also be made as to the maximum age at which officers shall be eligible for promotion to the grade of rear-admiral.

These changes in the report of the board I do not feel at liberty to make of my own volition, but of course you can authorize them before sending the bill to Congress.

A BILL TO INCREASE THE EFFICIENCY OF THE NAVAL SERVICE BY COMBINING
THE LINE AND ENGINEER CORPS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers constituting the engineer corps of the Navy be, and are hereby, transferred to the line of the Navy, and shall be commissioned accordingly.

SEC. 2. Engineer officers holding the relative rank of captain, commander, and lieutenant-commander shall take rank in the line of the Navy according to the dates at which they attained such relative rank. Engineer officers graduated from the Naval Academy from eighteen hundred and sixty-eight to eighteen hundred and seventy-six, both years inclusive, shall take rank in the line next after officers in the line who graduated from the Naval Academy in the same year with them: *Provided*, That when the date of a line officer's commission as captain, commander, or lieutenant-commander and the date when the engineer officer attained the same relative rank of captain, commander, or lieutenant-commander are the same, that the engineer officer shall take rank after such line officer.

SEC. 3. Engineer officers who completed their Naval Academy course of four years from 1878 to 1880, both inclusive, shall take rank in the line as determined by the Academic Board under the Department's instructions of December 1, 1897; and engineer officers who completed their Naval Academy course of four years in 1881 and 1882 shall take rank in the line as determined by the merit roll of graduating classes

at the conclusion of the six years' course, June, 1883, and 1884: *Provided*, That those engineer officers who were appointed from civil life, and whose status is not fixed by section 2 of this act, shall take rank with other line officers according to the dates of their first commissions respectively: *And provided further*, That the engineer officers who completed their Naval Academy course of four years in 1881 and 1882 shall retain among themselves the same relative standing as shown on the Navy Register at the date of the passage of this act.

SEC. 4. Engineer officers transferred to the line who are below the rank of commander, and extending down to, but not including, the first engineer who entered the Naval Academy as cadet midshipman, shall perform sea or shore duty, and such duty shall be such as is performed by engineers in the Navy, except watch duty in the engine room: *Provided*, That any officer described in this section may, upon his own application, made within six months after the passage of this act, be assigned to the general duties of the line, if he pass the examination now provided by law as preliminary to promotion to the grade he then holds, failure to pass not to displace such officer from the list of officers for sea or shore duty such as is performed by engineers in the Navy.

SEC. 5. Engineer officers transferred to the line to perform engineer duty only, and who rank as or above commander or who subsequently attain such rank, shall perform shore duty only.

SEC. 6. All engineer officers not provided for in sections 4 and 5, transferred to the line, shall perform the duties now performed by line officers of the same grade: *Provided*, That after a period of two years subsequent to the passage of this act they shall be required to pass the examination now provided by law as preliminary to promotion to the grade he then holds, and subject to existing law governing examinations for promotion.

SEC. 7. That the active list of the line of the Navy, as constituted by section 1 of this act, shall be composed of eighteen rear-admirals, seventy captains, one hundred and twelve commanders, one hundred and seventy lieutenant-commanders, three hundred lieutenants, and not more than a total of three hundred and fifty lieutenants, junior grade, and ensigns. Officers, after performing three years' service in the grade of ensign, shall, after passing the examinations now required by law, be eligible to promotion to the grade of lieutenant, junior grade: *Provided*, That the chiefs of the Bureaus of Medicine and Surgery, Supplies and Accounts, and Construction and Repair shall have the relative rank of commodore while holding said position, and shall have, respectively, the title of Surgeon-General, Paymaster-General, and Chief Constructor. When the office of chief of bureau is filled by a line officer below the rank of commodore, said officer shall have the relative rank of commodore during the time he holds said office: *And provided further*, That a captain or commander, when specifically detailed by the Department to command a squadron of two or more vessels, shall have the rank and pay of a commodore while so detailed: *And provided further*, That nothing contained in this section shall be construed to prevent the retirement of officers with the rank and pay of commodore.

SEC. 8. Officers of the line in the grades of captain, commander, and lieutenant-commander may, by official application to the Secretary of the Navy, have their names placed on a list which shall be known as the list of "Applicants for voluntary retirement," and when at the end of any fiscal year the average vacancies for the fiscal years subsequent to the passage of this act, above the grade of commander, have been

less than thirteen; above the grade of lieutenant-commander, less than twenty; above the grade of lieutenant, less than twenty-nine; and above the grade of lieutenant, junior grade, less than forty, the President may, in the order of the rank of the applicants, place a sufficient number on the retired list with the rank and three-fourths the sea pay of the next higher grade, to cause the aforesaid vacancies for the fiscal year then being considered.

SEC. 9. That should it be found at the end of any fiscal year that the retirements pursuant to the provisions of law now in force, the voluntary retirements provided for in this act, and casualties are not sufficient to cause the average vacancies enumerated in section 8 of this act, the Secretary of the Navy shall, on or about the first day of June, convene a board of not less than three nor more than five rear-admirals, and shall place at its disposal the service and medical records on file in the Navy Department of all the officers in the grades of captain, commander, lieutenant-commander, and lieutenant. The board shall then select, as soon as practicable after the first day of July, a sufficient number of officers from the before-mentioned grades as constituted on the thirtieth day of June of that year, to cause the average vacancies enumerated in section 8 of this act. Each member of said board shall swear, or affirm, that he will, without predjudice or partiality, and having in view solely the special fitness of officers and the efficiency of the naval service, perform the duties imposed upon him by this act. Its finding, which shall be in writing, signed by all the members, a majority governing, shall be transmitted to the President, who shall thereupon, by order, make the transfers of such officers to the retired list as are selected by the board: *Provided*, That not more than five captains, four commanders, four lieutenant-commanders, and two lieutenants are so retired in any one year. The promotions to fill the vacancies thus created shall date from the thirtieth day of June of the current year: *And provided further*, That any officer retired under the provisions of this section shall be retired with the rank and three-fourths the sea pay of the next higher grade.

SEC. 10. Any officer of the line of the Navy, as constituted by this act, with a creditable record, who served during the civil war, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade.

SEC. 11. From and after the passage of this act the students at the Naval Academy shall have the title of midshipmen, and on successfully completing the course at that institution each shall be commissioned in the lowest grade of the line or Marine Corps, the two years' course at sea being hereby abolished.

SEC. 12. That upon the passage of this act all the naval cadets of the line and engineer divisions who have completed the four years' course at the Naval Academy, and are performing duty at sea, shall be commissioned in the lowest grade of the line or Marine Corps, and the members of each class shall take rank among themselves according to their graduating multiples as was determined at the end of the four years' course at the Naval Academy.

SEC. 13. That the commissioned officers of the line of the Navy shall be entitled to receive the same pay and allowances, except forage, as are or may be provided by or in pursuance of law for the officers of like relative rank in the Army and Marine Corps.

SEC. 14. Upon the passage of this act the Secretary of the Navy shall appoint a board for the examination of men for the position of

warrant machinists, one hundred of whom are hereby authorized. The said examination shall be open, first, to all machinists, by trade, of good record in the naval service, and if a sufficient number of machinists from the Navy are not found duly qualified, then any machinist of good character in civil life shall be eligible for such examination and appointment to fill the remaining vacancies. All subsequent vacancies in the list of warrant machinists shall be filled by competitive examination before a board ordered by the Secretary of the Navy, and open to all machinists, by trade, who are in the Navy, and machinists of good character in civil life authorized by the Secretary of the Navy to appear before said board, and, where candidates from civil life and from the naval service possess equal qualifications, the preference shall be given to those from the naval service.

SEC. 15. The pay of warrant machinists shall be twelve hundred dollars per annum for the first three years after date of appointment and fourteen hundred dollars per annum thereafter, and they shall be retired under the provisions of existing law for warrant officers. Warrant machinists shall receive at first an acting appointment, which may be made permanent under regulations established by the Navy Department for other warrant officers. They shall take rank with other warrant officers according to date of appointment and shall wear such uniform as may be prescribed by the Navy Department.

SEC. 16. That hereafter the term of enlistment of all enlisted men of the Navy shall be four years, and that all enlisted men of the Navy shall have all the privileges now granted by law to the enlisted men of the Army and Marine Corps: *Provided*, That at least fifteen years of the service of the enlisted men of the Navy shall have been on cruising vessels of the Navy: *And provided further*, That section 1573, Revised Statutes, be amended to read: "If any enlisted man or apprentice, being honorably discharged, shall reenlist for four years within four months thereafter, he shall, on presenting his honorable discharge or on accounting in a satisfactory manner for its loss, be entitled to pay during the said four months equal to that to which he would have been entitled if he had been employed in actual service; and that any man who has received an honorable discharge from his last term of enlistment, or who has received a recommendation for reenlistment upon the expiration of his last term of service of not less than three years, who reenlists for a term of four years within four months from the date of his discharge, shall receive an increase of one dollar and thirty-six cents per month to the pay prescribed for the rating in which he serves for each consecutive reenlistment.

SEC. 17. That the oath of allegiance now provided for the officers and men of the Army and Marine Corps shall be administered hereafter to the officers and men of the Navy.

NAVY REORGANIZATION.

HEARINGS

BEFORE THE

COMMITTEE ON NAVAL AFFAIRS,

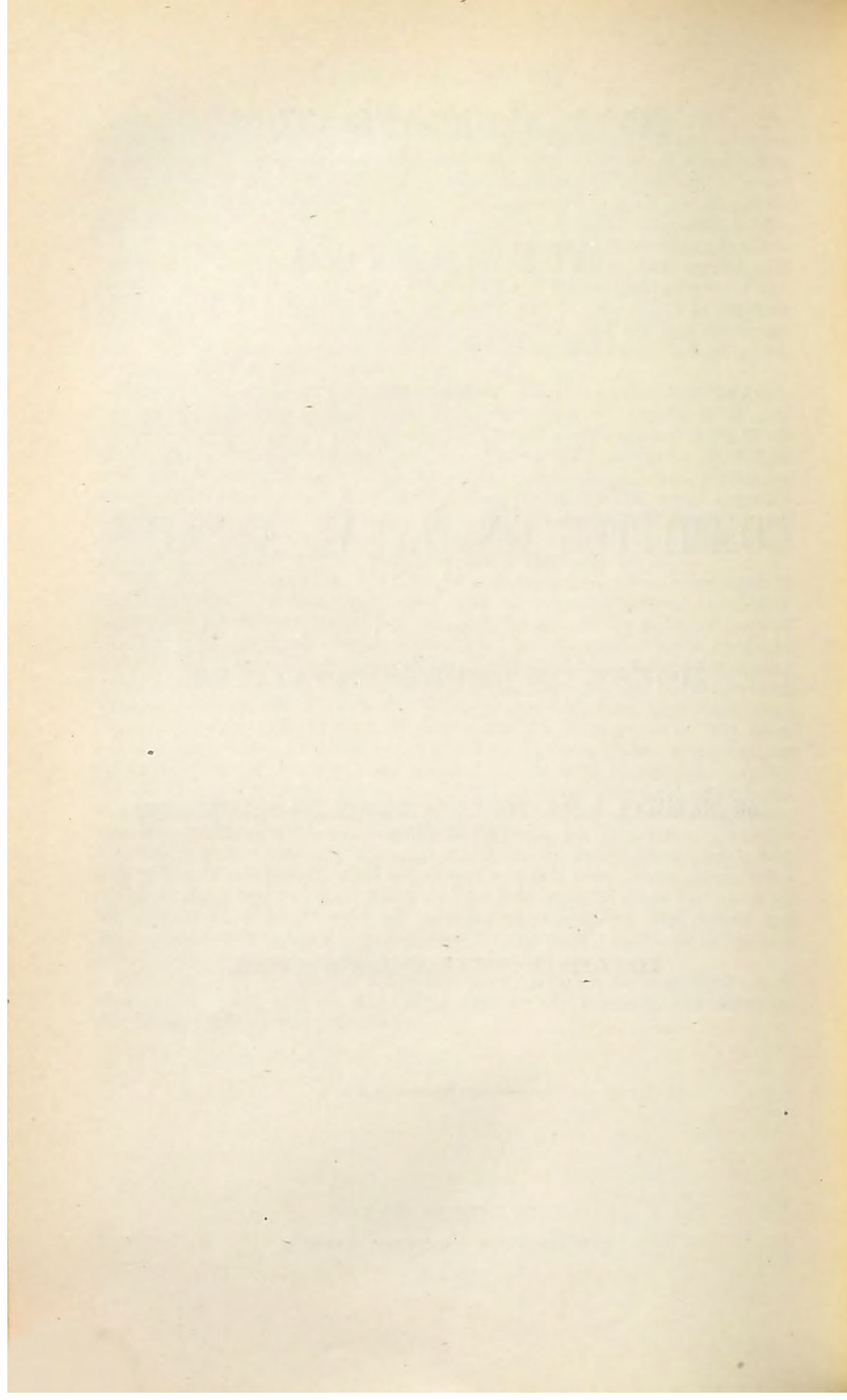
HOUSE OF REPRESENTATIVES,

ON THE BILL (H. R. 7443) TO COMBINE THE LINE AND ENGINEER CORPS
OF THE NAVY.

FIFTY-FIFTH CONGRESS, SECOND SESSION.



WASHINGTON:
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1898.



NAVY REORGANIZATION.

COMMITTEE ON NAVAL AFFAIRS,
House of Representatives, April 6, 1898.

The Committee on Naval Affairs, having under consideration H. R. 7443, entitled "A bill to combine the line and engineer corps of the Navy," Assistant Secretary of the Navy Roosevelt appeared by request of the committee, and the following hearing was had:

The CHAIRMAN (Mr. Boutelle). Mr. Secretary, you took a prominent part in the preparation of this bill, did you not?

Mr. ROOSEVELT. I acted as moderator.

The CHAIRMAN. Will you be kind enough to state briefly the origin of the measure?

Mr. ROOSEVELT. On coming into the Department I found that there was a great deal of friction between the line officers and the engineers, and many resulting quarrels, of a kind which was at first to me absolutely incomprehensible. I had always been a student of naval history and interested in naval affairs, and it seemed to me that the first requisite in handling our splendid new *materiel* that Congress has provided during the last fifteen years for the Navy was to have the *personnel* changed to correspond with the change in the *materiel*, where needed, and show its fitness to meet the altered conditions. I should say that it was ex-Congressman Wilson who first brought the personnel bill, so called, to my attention. He had a bill which I thought had some very radical and obvious defects in it.

The CHAIRMAN. That was the so-called engineers' bill?

Mr. ROOSEVELT. Yes, sir; the so-called engineers' bill. He asked me to look at it, and my examination of his bill caused me to study General Meyer's bill, and then another—that of the Senate naval committee. Then Professor Hollis came from Harvard and called my attention to the necessity of a reorganization of the personnel, and I began to look it over with him, after which I spoke about it to the Secretary, who then began to study the subject himself. As a result of this he appointed a committee, with myself as chairman, and I may remark that I think my being put on the committee was more or less an afterthought of the Secretary. If I may express a surmise merely, sir, I think I was made chairman mainly because it was not believed that either side would accept as entirely disinterested the action of a chairman of the other side. My own part in the preparation of the bill was almost exclusively limited to acting as moderator, trying to show the two sides that their interests could be made common instead of mutually hostile.

As regards the scheme of the bill as it now stands, the first rough outline was presented by Captain Evans, and it was backed up by Chief Engineer Melville. In the details, it was very largely the work of Captain Sampson, Commander Hemphill, Lieutenant Key, and Assistant Engineer McFarland.

The CHAIRMAN. Now, Mr. Secretary, right there, what were the principal causes of friction that you discovered?

Mr. ROOSEVELT. The principal causes of friction—if you will permit me I will state historically——

The CHAIRMAN. In your own way.

Mr. ROOSEVELT. They arose from the introduction of the entirely new motive power of steam into the Navy. The old line officers were exclusively trained to sail a ship. They could handle the sails as well as they could command men. The steam engine was something new, and they looked at it with extreme distrust. It is not necessary to remind an officer of the civil war how Farragut felt toward ironclads.

The CHAIRMAN. But that thought was due not to a disparagement of the engineers, but he did not like the idea of getting down under water.

Mr. ROOSEVELT. Yes, sir; exactly.

The CHAIRMAN. The engineers did not like it any better, either.

Mr. ROOSEVELT. No, sir; they did not. The engineers came into the Navy then as men who had had no military training. So at first you had men who ran the engines in the Navy without the military training which the regular naval officers had. Gradually out of them you developed a corps of men who are as much a part of the fighting powers of the ship as sailors who set the sails in the old days.

The CHAIRMAN. Right there, did your board take that view, that the engineer of to-day, by virtue of being a military engineer, is a more useful man than the engineer who used to be taken immediately from civil life?

Mr. ROOSEVELT. Yes, sir; they took that view very strongly.

The CHAIRMAN. I got an impression the other day when the chief of engineers was here that he did not share that view—I mean Chief Engineer Melville.

Mr. ROOSEVELT. I think, sir, that you can get—my experience is that you can get—from officers of the line and officers of the engineer corps, every kind of adverse opinion.

The CHAIRMAN. I spoke of him because he was, to a certain extent, I supposed, a representative of the corps.

Mr. ROOSEVELT. Precisely. I speak of this diversity of opinion because in the past each corps has committed itself to propositions which to my mind are untenable, and have been abandoned in the present bill. The line officers have taken the view that the engineer was nothing whatever but an engine driver, and ought not to have any title or rank, and the line officer would like to abolish him altogether. The engineer officer has taken the view that the engineer has a limited sphere of business, and only a limited sphere, and that, really, the important man is the engineer. I could get an opinion from the best men in the service in one corps disparaging the corps to which they did not belong, and if you took them all you would have to legislate on the entire Navy.

The CHAIRMAN. I spoke of that because I understood the Chief of the Bureau of Engineering, when he was before us last, to very distinctly take the ground that he thought the engineers we could obtain direct from the technical schools of the country would be superior to those we obtain from the Naval Academy, notwithstanding the fact of the military education of the academy.

Mr. HILBORN. Mr. White said the same thing.

Mr. WHITE. I said they might possibly have a little more engineering training; but, of course, they would have to acquire the military

training also. It is a good deal more necessary in the Navy that they should have a thorough military training. In other words, the engineer from the Naval Academy is a better engineer for the Navy.

Mr. HILBORN. Now, the engineers and the line have come together and indorsed this bill?

Mr. ROOSEVELT. Yes, sir.

Mr. HILBORN. In other words, each corps admits that the contention of the other was correct; that is, the engineers admit that the line officers may be equal to engineers by a stroke of the pen, and the line officers admit that the engineers shall be equal to the line officers by a stroke of the pen; is not that about it?

Mr. ROOSEVELT. It is a statement of half of the truth, sir. It is a statement that each admits that his position was partially correct and partially incorrect. I do not think anyone contends for a moment that anyone can be made anything merely by a stroke of the pen. I shall meet that point, with your permission, sir.

Mr. HILBORN. Certainly; we want to get your views.

Mr. ROOSEVELT. I found that the state of affairs which I have described had brought about this condition, and that there had been further complication from the fact that the modern vessel has developed all kinds of machinery aside from the steam engine. The turning of the turrets, the use of the ammunition hoists, the driving of the dynamos, and everything of that kind was done by machinery, so that, using "engineer" in the broad sense, there were plenty of line officers, including, curiously enough, some of the very line officers who were the most violently opposed to engineers, who were themselves particularly competent engineers.

The CHAIRMAN. Now, I want to ask you a question right here, because that is to my mind a very interesting point in this whole discussion. Is it not a fact, or is it a fact, that a man may be a very skillful mechanic, if I may use that term—exceedingly skillful in inventing and applying and managing mechanisms of the most complicated make—without being a competent man to deal with all of the chemical and other problems that enter into the management of the great boilers and the generation of power of a steam engine? You gather what I mean, do you not?

Mr. ROOSEVELT. I think so.

The CHAIRMAN. Is it not practicable that quite a number of men might be able, being furnished with motive power, to invent and handle successfully very elaborate mechanism without being at all, or to any particular extent, familiar with the problems that meet the designing engineer or the engineer who is responsible for the great pressures of power that is put upon boilers and tubes and of the general relations of the chemical forces and natural forces that are used in the management of great motive power in the ships—the boilers and engines combined?

Mr. ROOSEVELT. No; as I understand it.

The CHAIRMAN. For instance, the turrets. I can imagine a man could—I think I could—get up some pretty elaborate machinery to move a turret around, but I do not know anything about the great questions that are involved by pressure on the boiler or generation of so much steam per square foot of grate surface, or any of those problems. Now, is it a fact that most of the capacity that has been developed by the line officer in this regard has been in the mechanical line rather than—

Mr. ROOSEVELT. Rather than in the chemical line?

The CHAIRMAN. Rather than in the general engineering line. I make

a sharp distinction between engineering and mechanical appliances. It seems to me there is a vast difference. In other words, a man might invent a machine to go by clockwork, and he would not be at all available to design or manage an engine, because he has not the knowledge to do that. There would be just as much difference between the two as there was between the sailor who managed the sails and a sailor having his motive power supplied by steam.

Mr. ROOSEVELT. I will endeavor to answer your question in a general way, and may say that, in a certain sense, your position is right. The duties of a constructing engineer are widely different from those of an engine driver; and the duties of a steam engineer are of course very different from those of a skilled mechanic, who will handle turrets and ammunition hoists, and so on.

The CHAIRMAN. That is what I had in mind.

Mr. ROOSEVELT. On the other hand, the line officer who handles explosives and deals with torpedoes, as certain of our men have dealt with them, has to have as highly specialized a type of knowledge as does a steam engineer.

The CHAIRMAN. But in a different line. All I meant is this, you have not a great many of those specialists in the Navy, have you?

Mr. ROOSEVELT. We have only a few who stand at the very top; just as I think, sir, there are only a few engineers in the Navy who are fitted to be, or ever could become fitted to be, the best type of constructing and designing engineers; but there are plenty of line officers who have developed the same grade of ability in managing the dynamos, turrets, etc., that is shown by the average young engineer in managing steam engines, just as the average young engineer has the same military habits, the same power of command of forcing obedience, the same trained readiness to meet an emergency that you would get in the young line officer; and those are the qualities which would be lacking in the best-trained college graduate who had no military experience if he was put on a war ship and sent to Habana, for instance.

The CHAIRMAN. That was my idea, but to my surprise the Chief of Engineers does not agree with me. He was firm in the idea that he could get a man from Orono, Me., or from the Polytechnic School at Boston better qualified than from the Naval Academy.

Mr. ROOSEVELT. I believe if you took that committee of 11 men, of which I was chairman, who substantially agreed to this bill, and if you questioned each man properly so as to arrive at all of his ancient prejudices, you could get from the line officers of that committee a statement very derogatory to the engineers, and therefore derogatory to the bill they have backed, and the same way from the engineer officers. The two corps have had these jealousies and frictions. They have been independent of each other; each with a certain admiration for the other, which has often only made it the more jealous and bitter toward the other, thus showing the effect of life in a limited area as causing what I might call provincial jealousy. It appears——

The CHAIRMAN. That is not altogether due to the distinctions of line and staff. It is an inevitable result of the confinement of men in a small space together.

Mr. ROOSEVELT. Only it is greatly aggravated.

The CHAIRMAN. The highest development of that I have ever heard of was found in the Polar expedition on the *Jeannette*, which I investigated some years ago. The isolation of men tends to make them dislike each other.

Mr. BUTLER. I supposed it would have the contrary effect.

The CHAIRMAN. No. Men get tired of each other. They are wearied by their lonesomeness, and it is monotonous, and they get cross—frictions arise. Now, would you think of taking any grade of officers in the Navy—in the line, for instance—and going right down from the top from the highest men and detailing them one after another to take charge of the great technical chemical explosive institutions?

Mr. ROOSEVELT. No, sir; here is what—

The CHAIRMAN. You would find certain men in there who would develop certain traits that would make them specialists?

Mr. ROOSEVELT. Yes, sir.

The CHAIRMAN. Do you not think it desirable to develop those special capabilities?

Mr. ROOSEVELT. I do, sir, but my feeling about that has been that we, now, by law, rigidly require all men in one line to confine their attention to that particular branch of engineering (I use the term "engineers" in a very elastic sense). We separate that rigidly from the other branches of engineering, which are managed by line officers. For instance, the engineers have long contended, and I think quite rightly, that electricity should come under them as much as steam; but the electricians, who have to show a kind of capacity, are selected from among the line officers—Captain Bradford and all those people.

The peculiar capacity of a torpedo expert is just as special as the capacity of the man who handles the steam engine. The peculiar capacity of the compass expert is just as much special as the peculiar capacity of the steam engineer. I may almost say the peculiar capacity of the navigator is just as much special as that of the steam engineer. The peculiar capacity of the man who can fix torpedoes and ammunition hoists is just as much special as that of the steam engineer, and just as important.

My own view is this: that we should, within the Department, by detail, directly reverse the policy that has for some time obtained there, of having every man in turn do every duty, the fact that he has performed the duty being considered a reason why he should never perform it again; and, on the contrary, we should, as far as we can, differentiate men after they have passed through the first eight or ten years.

The CHAIRMAN. Is not this bill obnoxious to the criticism that it has a tendency in the opposite direction?

Mr. ROOSEVELT. No, sir. I think, on the contrary, that this bill provides for the proper specialization by detail. You can not do it wisely by law, sir, and especially not by the present law, which divides the steam engineers from the other engineers and the line officers. I think it would be a pity to have a hard-and-fast legal distinction by which you have all steam engineering in one corps, all electrical engineering in another corps, all turret experts in another, all torpedo experts in another, all navigation officers in another, and then another corps comprising all the remainder.

The CHAIRMAN. Is not that exactly what is done in every great line of development in private business?

Mr. ROOSEVELT. I could not answer you offhand—

The CHAIRMAN. Is it not a fact that every one of those distinct lines of profession that you refer to are kept absolutely distinct in the business world to-day, and developed along their own special lines?

Mr. ROOSEVELT. I think not, sir. I think there is a very large element that you may call "fluid" in the business world to-day, which permits you to try a man in two or three general things he can do best, so that you will not, because he does excellent work in one, forbid him

from trying another, if you find that he can do well what he likes in that other.

I believe you will find in the Navy—I am now indulging in prophecy, and it can only be held to be roughly and approximately correct—but I believe you will find that the average man can do pretty well the subordinate duties in any one of those branches, and he can be used while he is young under a skilled steam engineer, or a skilled electrician, or a skilled turret man, and as he grows older he can do the ordinary duties of his profession. A minority of the service will be composed of men who, as they grow older, besides performing well enough all of the duties that the young officers have to perform and ought to perform, will develop special excellence along certain lines. In fact, if I had my way, I should now, in the Navy Department, keep a man who showed marked excellence in ordnance almost solely at that work after he had reached a certain period, and I would do the same with the electrical engineer or with the steam engineer.

The CHAIRMAN. Now, Mr. Secretary, why not, if that is proper, do that by law or regulation instead of doing it by an arbitrary detail, which it is impossible for different Secretaries to carry out uniformly, in view of the pressure that is brought to bear upon them from one side or another to detail men in other ways?

Mr. ROOSEVELT. I believe, sir, that gradually we shall be able to do it by regulation. Possibly, after a while, we shall be able to do it by law, but, to repeat a truism, I may remind you that the healthiest laws represent the crystallization of custom, and often custom has to precede law.

The CHAIRMAN. But you are overturning custom in this bill.

Mr. ROOSEVELT. I think not. I can not agree that we are overturning custom. We are simply regulating the evolution that has gone on in the service by which you now find that the service, in addition to the ordinary seafaring man—and one may almost say largely as a substitute for the former sailor man—has developed the sea mechanic, and has developed him as much in connection with line duty as in connection with engineering duties. We are simply doing away with that entirely arbitrary and unnatural differentiation which separates the steam engineer and puts him in a body by himself, different from the other engineers of the ship. Every competent line officer to-day is an engineer, and he is not a competent line officer on a modern ship unless he is an engineer.

The CHAIRMAN. And yet, with the highest regard that I entertain for those gentlemen, there are some of the most accomplished officers in our Navy who, if they should be in charge of the engines, if the handling of a great ship like the *New York* depended on them, I would not go out of port with them, and you would not.

Mr. ROOSEVELT. I agree with you; and some of the officers most competent in certain lines of their profession to-day I would not trust a bit in other lines.

The CHAIRMAN. I am speaking of those who are very accomplished men, and have very great capacity along certain lines, but the smattering of engineering that they have got would not satisfy me to trust myself on one of these triple-expansion ships, with the enormous power that is generated, under their charge.

Mr. ROOSEVELT. I agree with you, sir. Some of those men whom I would trust to fight a ship against any enemy I would be very reluctant to trust to navigate a ship.

The CHAIRMAN. To get back to the question, suppose you state what

the differences were, what the evils complained of were, and the remedies they sought.

Mr. ROOSEVELT. That the Navy had two bodies of men with closely assimilated duties, with duties that largely dovetailed, and yet men who were kept apart; with the result that each felt jealous of the other—that each felt that the other had usurped some of his privileges and functions.

The CHAIRMAN. What were the complaints of the line, for instance, as against the engineers?

Mr. ROOSEVELT. The complaint of the line against the engineers was mainly this: It was the complaint against what the engineers wanted to be. The line insisted——

The CHAIRMAN. What did they care about that as long as he was not——

Mr. ROOSEVELT. The line was very largely content to stay as it was.

The CHAIRMAN. Were the engineers doing anything that the line regarded as a grievance?

Mr. ROOSEVELT. The line regarded it as a grievance that the engineers should wish to have their rank and title. The line—I am not speaking of all, but of the general run—officers contended that the engineer was not needed on shipboard at all; that what was needed was the machinist; that the skilled machinist could do all the engine driving that the Annapolis-graduated engineer or college-graduated engineer did; that the line officer himself could oversee the work so far as necessary, and that the Navy would be better off if they had a machinist instead of an engineer aboard the ship.

Mr. HILBORN. That is, he wanted to discredit the intelligence of the corps.

Mr. ROOSEVELT. Not at all. Nothing of the kind. He felt, as I have said, that it was not necessary to have the engine drivers on board ship trained as engineers. Now, Mr. Hilborn, I am stating the position of the engineers and the line officers, and I do not want to have it supposed or understood that I am stating it in an offensive form.

Mr. HILBORN. Not at all.

Mr. ROOSEVELT (continuing). When I quote what these officers say of each other.

Mr. HILBORN. We have a skilled lot of engineers in the Navy. The line, you say, resent their presence there, and think that we could do better by substituting for the engineer some machinist who was of a lower grade of intelligence, presumably. Now, how is the service going to be benefited by eliminating the educated engineer and supplying his place by a mere employee at \$100 a month?

Mr. ROOSEVELT. You are now making me explain the hidden domain of motive. I disagree with the line officer in that position.

The CHAIRMAN. I do not understand that we are getting your views; but you are answering my questions as to the grievances of the line officers. What I want is this: There was no sense in having you devote your time, or Congress devote its time, to the discussion of a proposition unless there is something of merit in it. If these officers had grievances we want to get at what they were. What was the difficulty—of what did the line officer complain?

Mr. ROOSEVELT. The line officer complained that the engineer was with the line and not of it; that he was not a line officer.

The CHAIRMAN. Did the line officers want the engineers to be made line officers?

Mr. ROOSEVELT. They objected strongly to their being made line

officers, because they felt that it would drive the line officer out of the ship.

The CHAIRMAN. But there was not any engineer trying to drive the line officer out of the ship. What did the line officer have as a grievance?

Mr. ROOSEVELT. The engineer was constantly threatening to drive the line officer out of the ship.

The CHAIRMAN. How could he do it?

Mr. ROOSEVELT. By legislation in Congress. Mr. Wilson's bill, if adopted, would mean great reduction of the power of the line. I have seen it advocated by engineer officers, in articles in the reviews, that what we needed now was to have about three fifths of the officers engineer officers, and two-fifths line officers. There was a constant menace to the corps of line officers by the corps of engineers.

The CHAIRMAN. Did the line officers have any existing grievance aside from this anticipated trouble; did they have any existing grievance against the engineers?

Mr. ROOSEVELT. I should say that the line officers, as such, had no existing grievance against the engineers, if the latter were to be left as they were. I think the bulk of the line wanted the engineers left as they were; but, of course, the broader minded line officers—the best line officers—felt, as keenly as any of the engineer corps could, that they wanted to remove any cause of discontent in the engineer ranks that could be removed without impairing the efficiency of the service.

The CHAIRMAN. Well, as I understand it, the line officers had no grievance with the existing condition of things; they were simply uneasy on account of certain menaces to their position by the action of the engineers?

Mr. ROOSEVELT. Yes, sir.

The CHAIRMAN. So, if that is so, the leaving of the service in the condition in which it was, with the assurance that it would remain so, eliminated any grievance that the line officers had. So the line officers had no grievance in the existing condition of things, but their complaint was of the possible change in the conditions. Now, that brings us to the engineers.

Mr. SOUTHARD. The apprehension.

The CHAIRMAN. The apprehension; that does not furnish a grievance.

Mr. DAYTON. Was not the slowness of the promotion of the line officers a cause of grievance?

The CHAIRMAN. That has nothing to do with the engineers. I am dealing with only one phase of this case. I do not say that the line officers and other officers would not like a lot of things that they have not, but I am dealing with this dispute between the two corps. Now, I think we have eliminated any grievance on the part of the line as to their relation with the engineers, or as to the system in which they were associated with the engineers. It was more an apprehension of what would come.

Mr. ROOSEVELT. I want to have one proviso clearly understood; that I am merely answering your question to state my opinion as to the ground for the very great jealousy that existed between the corps, and what I understand to be the grievances of which the officers complain.

The CHAIRMAN. That would not furnish——

Mr. ROOSEVELT. Now, mind you, sir——

The CHAIRMAN. It was jealousy of what was likely to come.

Mr. ROOSEVELT. And, of course, it is not necessary to say, sir, that apprehension of what may occur, if it probably will occur, may be almost

as powerful a motive as discontent with what already exists. I want to emphasize this proviso here, so that there will be no misunderstanding. I did not approach the subject merely to see if their grievances were real or fancied. The point of view which I approached was to see if we could not introduce a scheme that would improve the efficiency of the service.

Now, the line officers, as such, have no ground of antagonism to the engineers, aside from the question of pay, so far as respects their existing condition; but they were continually being wrought up over fears of what might happen in the future. There were all kinds of clashes continually occurring between the two classes; over the question of torpedo boats, for instance, from the fact that a line officer would be detailed as the engineer of a torpedo boat, with the result that a large number of line officers would swear that the line officer acting as engineer of the torpedo boat was doing the best possible, while a large number of the engineer officers would swear—I will not say against the facts, but as to the coloring of those facts.

The CHAIRMAN. Why did the Department do that——

Mr. ROOSEVELT. Let me come to that later.

The CHAIRMAN. The point I had in mind was that what you have stated up to now, if I apprehend it correctly, does not furnish any ground of complaint on the part of the line officers with the existing condition of things as regards the engineer corps, but it was an apprehension on their part.

Mr. SOUTHARD. Such an apprehension as we had of the Spanish flotilla when it started over here?

Mr. ROOSEVELT. Exactly that. They were continually threatened. It was very unlikely that the then condition of things would be allowed to go on.

The CHAIRMAN. Did the line officers ever originate any bill to protect themselves against the engineers?

Mr. ROOSEVELT. No; the object, I think, would be to prevent the passage of bills for the benefit of the engineers.

The CHAIRMAN. That proves the strength of my suggestion, that the line officers did not seem to be having any quarrel with the existing conditions.

Mr. ROOSEVELT. I do not think that they had any quarrel with the existing conditions except to this extent, sir, that the most broadminded among them, the most devoted to the interests of the service as a whole, felt as keenly that the friction, whether just or unjust, that existed was a damage to the whole Navy as if they had been hurt themselves. They felt it could be done away with; that is, ought to be done away with. They felt that the division between steam engineers and line officers, including all other engineers, was an artificial and unnatural one, and that no good could be obtained by keeping to that outworn system. On the other hand, the engineers——

The CHAIRMAN. Now, that is what I want; what was their grievance?

Mr. ROOSEVELT. They had the perpetual grievance of not having the titles that the line officers had. It seems, gentlemen, to all of us who are civilians—Mr. Chairman, you have been in the service, and that does not apply to you—but to us who are civilians it seems strange that so much attention should be paid to titles; but when you get into military bodies that is one of the chief things they have.

The CHAIRMAN. Now, let us get at that. That is the meat in the cocoanut, probably. I would like to get a little more information for my own mind on that subject. Do the engineers ever make any com-

plaint that any title is applied to them which erroneously indicates their position on board ship?

Mr. ROOSEVELT. Yes, and no, sir. They stated that they were properly called engineers, but they also stated that they were on a military ship, doing military duty, and that they felt that the man who ran the steam engine had just as much right to be called lieutenant as the man who ran the dynamo.

The CHAIRMAN. Did any of the engineers indicate to you why they regard that as a desirable thing? It would be necessary that you should be persuaded that there was something desirable about it before you could involve yourself in great labor to bring it about.

Mr. ROOSEVELT. I have made myself but imperfectly understood if I gave you the impression that it was only to remove any jealousy between the corps that I worked—only for the sake of satisfying their feelings. I labored and worked over that because I felt sure that, apart from any friction between the two bodies, we would enormously improve the efficiency of the whole service by recognizing the evolution which is tending to substitute, in large degree, the sea mechanic for the old-time sailor man. I say in a large degree, for we must have yet a nucleus of men with the sea habit on board ship; no others can take their position.

The CHAIRMAN. But if you do that, and eliminate the old seaman for the sea mechanic, you do not want to call him a seaman, but a sea mechanic; is not that so?

Mr. ROOSEVELT. No, sir; I would want to call him a seaman. He is now called a seaman; not a sailor man, but a seaman. They are enlisted still——

The CHAIRMAN. Do you make a distinction between a sailor man and a seaman?

Mr. ROOSEVELT. I think so, sir. To use the term sailor man, implies that he handles sails——

The CHAIRMAN. That is very finely drawn.

Mr. ROOSEVELT. It is finely drawn in one way, but it does represent a very real difference.

The CHAIRMAN. How much less of a sailor do you suppose I was when I commanded a steamer than I was when I was on a sailing vessel, in all respects that go to make up the generic term?

Mr. ROOSEVELT. It depends on how you define sailor. The word sailor means a man who handles sails. -

The CHAIRMAN. Technically; but the word sailor and seaman mean the same thing.

Mr. ROOSEVELT. Very well; if you take them as meaning the same thing——

The CHAIRMAN. That is chipping logic.

Mr. ROOSEVELT. Yes; that is chipping logic.

The CHAIRMAN. What I want to get at is this: If the engineer complained that it was a grievance that he was not called a lieutenant or lieutenant-commander or ensign, upon what did he base that complaint that his title was not an honorable title?

Mr. ROOSEVELT. Precisely——

The CHAIRMAN. That his title did not represent his duty and his position? That is what titles are for.

Mr. ROOSEVELT. His claim was——

The CHAIRMAN. Just the same as paymaster and surgeon.

Mr. ROOSEVELT. Precisely; and the paymaster or surgeon wants to be called captain or colonel.

The CHAIRMAN. Why should they?

Mr. ROOSEVELT. Because of that queer quality of human nature that likes to be given a title it estimates to be one of honor.

Mr. SOUTHARD. Is there any such rank as colonel paymaster in the Navy?

The CHAIRMAN. No; the only title that is exactly similar to that in the Army is captain in the Navy.

Mr. ROOSEVELT. Yes; captain in the Navy. I happened to speak as I did because colonel is the title of army paymasters.

Again, sir, I must say that there was a large element that was irrational in the attitude of both the engineer officers and the line officers, but each of them did have a substantial grievance.

The CHAIRMAN. Do you consider that matter of titles as a substantial grievance?

Mr. ROOSEVELT. I do, sir; I feel that for a man who is part of the ship to be denied the honorable title that through hundreds of years of association we have assigned to the fighting man is a substantial grievance. I think it is a hard thing that he should not be given the title that is associated with the fighting man. In a battle with a foreign foe the engineer may show as much gallantry by keeping the ship and engines at work—say when a 5-inch shell explodes in the engine room, killing a lot of men—as is shown by the man in the dynamo room, supposing a similar accident there.

The CHAIRMAN. There is nothing that associates the title lieutenant with gallantry any more than the title engineer. One of the officers that was promoted in one of the last engagements I participated in was an engineer.

Mr. ROOSEVELT. Against the *Albemarle*?

The CHAIRMAN. Yes, sir. It never occurred to him it was a grievance that he was called an engineer.

Mr. ROOSEVELT. I have felt that it developed a certain weakness in the engineers not to be content with their professional title alone.

The CHAIRMAN. I should think that they would be proud of it.

Mr. ROOSEVELT. And yet it is a weakness you will find all through the service. You will find that the line officer is jealous of his title, and objects to the engineer having it. The engineer felt that he was entitled to it, and he feels that the failure to give it to him is an assumption of superiority on the line officer's part.

Mr. CUMMINGS. Was not one of the complaints of the engineer officer that because he had no title he was subject to orders from those who did have titles? In other words, was not this a fact: that under the regulations as they are to-day a chief engineer of the United States Navy might go aboard a man-of-war and be ordered below by an ensign or a lieutenant?

The CHAIRMAN. That never would occur in the history of the Navy.

Mr. ROOSEVELT. That is an extreme statement.

Mr. CUMMINGS. That is not the point.

The CHAIRMAN. I want to ask the Secretary whether under those circumstances the chief engineer would be more subject to the arbitrary action of the officer of the deck than any other officer of the line that might come aboard ship?

Mr. ROOSEVELT. No; he would not. Every officer——

The CHAIRMAN. As well as the chief engineer?

Mr. ROOSEVELT. Yes, sir.

The CHAIRMAN. If a lieutenant-commander of another vessel came aboard he would have to recognize the temporary authority of the officer of the deck, would he not?

Mr. CUMMINGS. Would not the line officer feel authorized in making

an order concerning an engineer officer that he would not feel in making an order concerning a line officer?

The CHAIRMAN. I think not. I do not speak *ex cathedra*, of course, but I think he would feel under no more privilege of giving an order to an officer of the Engineer Corps who was of a higher rank than himself than he would to a line officer of a higher rank than himself. If that line officer was in the direct line between him and the captain on his ship he might defer to him, but this man is acting for the time being simply as a representative of the commander, and whatever he did would be the act of the commander until it was disapproved by the commander.

Mr. ROOSEVELT. I feel that there is much that can be said for both views. Almost the same arguments advanced by you and Mr. Cummings have been advanced to me by line officers and engineer officers. It is true, whether their feelings were just or not, that those feelings existed. The engineers are continually galled by the theory—well, that they are not line officers; they are just engineers. The line officers are continually put on the defensive by the proposals of well meaning but ignorant men, who think that the line officer can be supplanted—that the march of improvement will make the engineers practically the only men on board the ship.

The CHAIRMAN. My experience in the Navy was that that feeling of jealousy was manifested five times by the paymasters and doctors where it was manifested once by the engineers. I do not know what sort of ratio it has grown in.

Mr. DAYTON. How recent has that been?

The CHAIRMAN. I said during the war.

Mr. DAYTON. Has not this change come about since then, so that your experience would not count?

The CHAIRMAN. What change?

Mr. DAYTON. The character of the vessels.

The CHAIRMAN. Not at all. I did not serve on any vessel that did not have steam engineers on board, either as a subordinate or in command. I did not serve on anything but a steam vessel. We had the *Monitor* and the *New Ironsides*, and all the ships were steam vessels. This same question arose, the original old grievance here, whether the chief engineer of the ship should demean himself by reporting to the executive officer, or whether he should not claim that he was running a special department of the ship and have no relations with anybody except the captain. I know the origin of that. I know the man who started it. He is living now. It was Chief Engineer Shock. He sent out word around to the engineers and got all the fellows up in arms. They signed a declaration of independence that they would not report except direct to the captain.

I presume the same conditions prevail to-day that prevailed when I was in the service. I presume it is in the regulations that you should have inspection at quarters morning and evening. I can not conceive that that has been abolished, and those inspections are conducted under the executive officer. The captain is on deck, as a rule, but the executive officer is in charge of the whole executive work on the ship. He is there to receive the reports of the division inspectors. The men go to their quarters. The officers go to their quarters. One officer takes position on the quarterdeck. He inspects guns, and sees that the accouterments and so on are all right, and finally comes aft on the quarterdeck, salutes, and says to the executive officer, "I desire to

report the first division in proper shape." One after another they do that.

Then the engineers are expected to come, either the chief of the engineers or whoever was in charge, usually the senior officer, and say, "I desire to report that the engineer department is in order, the men accounted for," etc.—that the engineer department is secured in proper condition for the night. Now, the engineer says, "I rank with the lieutenant-commander. The executive officer on this ship is a lieutenant. I am not going to report to him. I will report to the captain. It is demeaning to me to report to an officer not as high as I am in rank, and I will not do it." And they were advised to make that resistance, and they did make it, and it created a great deal of friction.

The contention, on the other hand, with which I naturally sympathized, because I was a line officer and because I believed it was the logic of the thing, was that the executive officer, whom everybody recognized as the man who has to keep control of the executive management of the ship for the captain—and the captain holds him responsible—should properly report the condition of the entire ship to the captain. Otherwise the executive officer would go to the captain and say: "The ship is properly secured, the pumps in order, it is not leaking, it is in good condition, her batteries are all secured, the men are in proper shape, the fires are in the condition that they should be, etc.; this ship is absolutely secure except a great department of her—except a great department vital to the whole business—and I can not tell you whether she is ready to slip her cable and move or not, because that belongs to the engineer department. The chief engineer insists on reporting to you direct."

The executive officer makes the report to the captain not because he was superior in rank to those officers who reported to him from their respective departments, but because he was the adjutant-general of the captain. That is the old quarrel.

Mr. SOUTHARD. The condition might be such that the lieutenant was the commanding officer of the ship.

The CHAIRMAN. Then they would have to report to him.

Mr. ROOSEVELT. You stated better than I could have stated——

The CHAIRMAN. That is the origin of it——

Mr. ROOSEVELT. One of the conditions that will always insure friction while you have the present two corps——

The CHAIRMAN. What was the other?

Mr. ROOSEVELT. There are several other conditions. The one you have stated is one of the instances. Just to show you how inevitable it was that such friction should arise, I may mention that, while we have now heard the origin of the trouble in our Navy, precisely the same trouble exists in all foreign governments.

Mr. CUMMINGS. In the English navy?

Mr. ROOSEVELT. Yes, sir. In the English engineering journals this personnel bill is taken as showing them the way out of their slough of despond.

The CHAIRMAN. What about the line journals over there?

Mr. ROOSEVELT. The line journals—the Army and Navy Gazette—also approve it. The journal mentioned said that this bill was undoubtedly showing the right way, and that this was the line along which England would have to work. It also said this was another proof—as they of course reluctantly admitted—that Americans could often show them the way out by being able to take the initiative, and

meet the troubles. So these same troubles have existed in the other navies of the world, and we propose to act with the same necessary disregard of precedent which enabled us to use the high-power gun and the torpedo before the other nations used them. We are making the same advance in this matter.

Mr. CUMMINGS. How can we change the situation so described by the chairman?

Mr. ROOSEVELT. In this way, sir; that, if under this bill, the chief engineer makes any such claim as was stated by the chairman, it will be merely a fight between one line officer and another line officer who is the executive officer.

The CHAIRMAN. How are you going to settle it?

Mr. ROOSEVELT. Just as you settle any other conflict.

The CHAIRMAN. But you must not have a conflict on a ship.

Mr. ROOSEVELT. It will be entirely different. At present you have a corps interested in championing the cause of each side, but under this bill that will not exist. You will simply have a disagreement between two officers. Under the new régime it will be just about such a disagreement as that which now occurs at times between the commandant of the navy-yard and the admiral of a fleet when the admiral of the fleet comes into a navy-yard. You know there is some question about that now.

The CHAIRMAN. There should not be. That should be provided for by law and regulations.

Mr. DAYTON. Is not this the fault, that while the engineer the chairman has spoken of has a rank much superior to the executive officer, while he is a graduate of the same Government institution, yet, no matter how much superior in rank, he never could occupy the position of the executive officer—not for a day?

The CHAIRMAN. How does this bill eliminate that question of the duty of an officer to recognize the temporary precedence of an executive officer, for instance, who may not be of equal rank to another officer whose duty would naturally be to report to the executive of the ship in relation to the condition of his department?

Mr. ROOSEVELT. The answer will be this: By eliminating the only backing which made it possible for a question to arise—that is, by eliminating the backing of a corps in making any officer refuse so to report. As a matter of fact, the difficulty of which you speak has already entirely disappeared. There is now no question of the chief engineer, whatever his rank, reporting to the executive officer. That difficulty is eliminated.

The CHAIRMAN. If so, it has been simply voluntarily.

Mr. SOUTHARD. That is indispensable to the proper management of the ship.

Mr. ROOSEVELT. The question never arises. They never dream of taking the ground now of which you speak. They always report at once.

Mr. CUMMINGS. And your bill gives the engineer officer the opportunity of becoming the executive officer of the ship?

Mr. ROOSEVELT. Precisely, sir.

The CHAIRMAN. But Mr. Cummings will recognize the fact that a man may become an officer of a certain grade and that does not take away the disposition of a man to assert all the rights of the rank they have to-day.

Mr. ROOSEVELT. No, sir; but it takes away the power of the engi-

neer officers, because it takes away the backing of a corps and makes it simply an individual asserting his right.

The CHAIRMAN. Every man asserting his right against the man of inferior rank?

Mr. ROOSEVELT. No; because I do not think it ever comes up. It won't come up under the new bill. If it did, it would be settled instantly by the Bureau of Navigation without having to meet a determined corps on the other side.

The CHAIRMAN. What would be the difference between the opposition of a large corps or the officers individually?

Mr. ROOSEVELT. The corps is permanent, while the officers would be merely filling this position by detail and another position afterwards, so they would have no permanent interest in being given a power in one position which might be used against them when they afterwards came to fill another position.

The CHAIRMAN. Don't you understand that the engineers contend that they want actual rank and that that ought to carry with it the same sense of authority that any other officer of the same rank would employ and enjoy?

Mr. ROOSEVELT. They do so contend.

The CHAIRMAN. Do not the engineers contend——

Mr. ROOSEVELT (continuing). Or they did so contend.

The CHAIRMAN. I am not criticising this except to get information. Do not the officers contend that in a proper arrangement of rank and authority if a boat expedition, for instance, of 25 or 30 boats was sent out and half a dozen officers in command of this detachment, that if the senior officer were disabled or killed and the next man in rank were the engineer that he should have the same right to assume control that a line officer would have?

Mr. ROOSEVELT. I believe that is the contention of some of them.

The CHAIRMAN. I supposed that that was what they had always contended for.

Mr. WHITE. No, sir.

The CHAIRMAN. Then what is the use of having a rank that does not carry any authority with it?

Mr. ROOSEVELT. You see you are asking me questions as to why——

The CHAIRMAN. I was not particularly asking it of you; I was asking it of the atmosphere.

Mr. ROOSEVELT. You were asking why people should favor certain opinions which I do not favor. I think that each side advances and was obliged to advance certain untenable positions, and it is to do away with those things to which you rightly object that we have been pushing this bill. You can not meet the exigencies of life and management of a modern war vessel except by facing the conditions as they are, by amalgamating those two corps, by recognizing that steam engineering is only one of the many branches of engineering called for on a modern war vessel, by recognizing the fact that you must have one homogeneous body of officers there. From that body, the men who show special aptitude for special work along certain lines should be detailed for such work as a matter of Department regulation, but not trying, at the present time, to crystallize such specialization into law.

It would be a great mistake now, by law, to say that you should have these separate corps, gunnery experts, torpedo experts, electrical experts, navigators, and so on. The thing to do is to take the young

line officers and let them serve their novitiate at all these different positions to which they are assigned.

Mr. SOUTHARD. Do you not contend that that is what happens every day in the management of private institutions?

Mr. ROOSEVELT. Exactly. In the case of medical men, for instance, the useful specialist among them is certainly, as a rule, the man who has been a general practitioner first, and in the course of his general practice has developed peculiar aptitude for certain lines of work. Of course, I am not stating this too broadly, but for the specialization that goes on within certain limits. It has happened that doctors have recently emphasized to me the fact that generally the best specialist was the man who was first a general practitioner, and had developed along certain lines.

Now, I suppose that the young officers, the ensigns and lieutenants and the engineers of corresponding grade, men with the same training and habits of thought, serving on the same ships, will do what they usually do now. We merely recognize facts as they exist. We usually detail a man to take care or assist in taking care of the steam engines on a big ship, and we now detail the young ensigns to take charge of the engines on the torpedo boats. On the other hand, the assistant engineers of the same age will not only be employed as engineers, but as watch officers on deck, to do the duties for which they are precisely as well fitted as their classmates, who now are allowed to do it to the exclusion of the engineers. Then, as you get a little further on, keep the bulk of them at work doing the ordinary duties, but develop any man showing aptitude for any specialty along the line for which his capacity seems especially to fit him.

The CHAIRMAN. Where are you to get the power under this bill to take a line officer, either who has come in as a line officer or who has come in as an engineer and been made a line officer by this bill—where are you going to get authority, because you find a man has a special adaptability for engineering work, to condemn him to a condition which these people complain of to-day, that is, to serve the balance of his life in engineering duties, and thereby be deprived of the power of command, or of occupying these elevated positions of directing a squadron—

Mr. ROOSEVELT. I am not going to condemn him. I particularly provide he shall not be condemned to do that.

Mr. SOUTHARD. His place will be taken by a machinist.

Mr. ROOSEVELT. You say his place will be taken by a machinist. That is not quite so, because under the regulations the engineer does not now work with his hands. He can not do it any more than a line officer can pull an oar in a boat. It is the machinist that has to do the actual work of the engine driving. The engineer now supervises that work. I can only repeat what I have said before.

The CHAIRMAN. Let me make my question more plain. I understood you to say that it was the purpose of the proposed system to develop the special training of officers and obtain the advantage of utilizing them along the line which their experience showed that they were specially qualified for. Now, I can not see how you are going to do that with regard to engineers, unless you assign these men who become especially adapted for that line of work to that line of work and keep them there.

Mr. ROOSEVELT. Sometimes—with Captain Converse in torpedo work and Captain Bradford in electrical work, as we have done it—

The CHAIRMAN. Captain Bradford is doing something else now.

Mr. ROOSEVELT. We have him do something else, too; but we have utilized him especially in electrical work.

The CHAIRMAN. He is now chief of a bureau.

Mr. ROOSEVELT. And electricity comes under that Bureau, and is one of the most important features in the Bureau.

The CHAIRMAN. That, to a certain extent, weakens my position, then, so far as that is concerned; but I do not understand how a man can utilize his special adaptability unless you keep him at the work for which he is especially adapted.

Mr. ROOSEVELT. You may not keep him permanently at it. On the other hand, you may do so. I do not think it will be necessary to keep the ordinary man permanently at one kind of work. I do think that, now and then, you will find a man who should be kept mainly at such work. I should be reluctant to keep a man when he was young, purely at electricity, or steam engineering, or turret work, or gunnery work, but I can imagine a man developing such a special capacity in some line of work that you would keep him mainly at that.

Now, let me refer to one question that was raised before, because I suppose you want me to go on with the bill. You spoke of how the change to this new system would take place.

The CHAIRMAN. I think Mr. Hilborn asked that question.

Mr. HILBORN. I did not.

The CHAIRMAN. I may have asked something in that line. That is an important phase.

Mr. ROOSEVELT. It is an important phase. The change would be so imperceptible that nobody would know it had taken place.

Mr. SOUTHARD. I asked that question when you were here before.

Mr. ROOSEVELT. It is provided in the bill that all the men above a certain grade now will continue in their present duties; that is, all engineers above a certain grade will continue in that grade; all of the line officers above a certain grade will continue to be detailed purely as they are now. Below that grade—I disregard the grade in which the men can at their option fit themselves to perform line duties, because the number of men who are likely to avail themselves of that privilege will be exceedingly limited——

The CHAIRMAN. Why will that be?

Mr. ROOSEVELT. Because they have crystallized into their present work, and after a man is 40 years old or thereabouts he is not going to try to take up any new work.

The CHAIRMAN. Oh; you are referring to men 40 years old. I thought you were referring to the cadets.

Mr. ROOSEVELT. All the younger engineer officers are required to go into the line, and the younger line officers will begin serving their trick at watch in the engine room. There will be no more violence, no more revolution, than occurred last summer when the ensigns on the torpedo boats began to serve their trick in the engine rooms of those boats; and the young engineers will, as rapidly as they pass the necessary examination, begin to serve as deck officers in the same way. It is provided they must make the change within two years.

I could name dozens of assistant engineers now who can to-morrow take up the work of their classmates who are now line officers, and you would not know that anything had occurred, that any difference had occurred at all. Now, the older engineers and older line officers will continue to do what they are now doing until they die out of the service. For some years to come you will have the same men in charge of the engine department who are now engineers, the same men as cap-

tains and executive officers that are now captains and executive officers. But as their places are taken you will gradually find that the places are taken by men who have served their apprenticeship at steam engineering as well as at the kind of engineering that deals with the dynamos, the turrets, etc.

Mr. HILBORN. Will you allow me right there?

Mr. ROOSEVELT. Certainly.

Mr. HILBORN. I shall have to leave, and therefore I want to ask this question before I go. The theory of this bill is that the time has come when every officer must be not only a line officer—that is, be possessed of all the skill of the line officer—but be possessed of the skill of the engineer officer also. That is it, is it not?

Mr. ROOSEVELT. Yes, sir; that the time has come when the line officer now is possessed of engineering skill.

Mr. HILBORN. That hereafter the officer of the Navy must be a competent engineer and also a competent line officer. That is the theory of this bill, is it not?

Mr. ROOSEVELT. As the best officers generally are now.

Mr. HILBORN. That is the theory of the bill, is it?

Mr. ROOSEVELT. Yes, sir.

Mr. HILBORN. Has there been any change in the curriculum at Annapolis that adapts itself to that condition?

Mr. ROOSEVELT. I do not suppose the change will take place until after the bill is passed. I presume there will be a change.

Mr. HILBORN. I do not see how that should be an obstacle. If we have come to that point where, as a matter of fact, the young naval officer ought to be both an accomplished engineer and an accomplished naval officer of the line, I assume that you will not wait for the passage of the bill, but that the curriculum at the school will be changed so as to meet that condition.

Mr. ROOSEVELT. When the condition is created by the bill; yes, sir.

Mr. HILBORN. But has not the condition arisen already by the evolution of the Navy?

Mr. ROOSEVELT. The condition has arisen by the evolution of the Navy, and has been met by the evolution of the Navy. In the school one can train them up to a certain point, and I have no question that the curriculum can be changed, and changed with advantage, at Annapolis, but it will be impossible for me to say what has been done in electricity. What has been done, Mr. White? Is there a training there in electricity?

Mr. WHITE. They all take the same training.

Mr. ROOSEVELT. There is now, for instance, at Annapolis, the training in electricity. That has changed, of course, in the curriculum. They could not be trained in electricity until electricity arose in the outside world. That is a matter of recent years, and the curriculum has changed to meet the exigencies of the service.

The CHAIRMAN. I understood the chief of engineers the other day to express the opinion that the curriculum there did not fit the young men so well for engineers as the course of study to be had at technical schools outside.

Mr. ROOSEVELT. I can not say; but I daresay that if you should devote all the curriculum there to one thing—purely to electricity, purely to navigation, purely to engineering—you would get men better fitted at the outset for one special duty, but not better naval officers.

The CHAIRMAN. That was the view I took, but I understood the chief engineer not to agree with me.

Mr. FOSS. Is not the first three years' course the same for all?

Mr. ROOSEVELT. Yes, sir.

Mr. FOSS. And then is there a different course for those cadets who go into the line, and a different course given to those cadets who go into the Engineer Corps?

Mr. ROOSEVELT. Yes, sir.

Mr. FOSS. At that time, then, their courses change—deviate? For instance, the cadet who is to be an engineer takes up special study in the line of engineering?

Mr. ROOSEVELT. Yes, sir.

The CHAIRMAN. For the last year, you mean?

Mr. FOSS. Yes. I understand this bill contemplates making the line officer know something about engineering. Of course, there will have to be a change in the course of study in order to do that, and do I understand that the probable change will be to make the course of study for the last year practically the same for all—practically the course that the cadet that goes into the Engineer Corps to-day gets?

Mr. ROOSEVELT. My understanding is—I can not speak definitely because I am not the Secretary—but my understanding is that some of the branches that are now taught rather as matters of survival will be dropped. I can not speak authoritatively, but that is my impression. Mr. Hilborn, would you like me to speak on the subject of the warrant officers?

The CHAIRMAN. Before you go to that, please let me ask one or two questions. You understand that the Engineer Corps are united in support of this measure?

Mr. ROOSEVELT. I am so informed. I have no doubt that there are some engineers and some line officers against it.

The CHAIRMAN. Did you have any representation made to your board on the part of any engineers that have deprecated this legislation as an abolishment of the Engineer Corps?

Mr. ROOSEVELT. There was——

The CHAIRMAN. I ask that question because I have had several communications from engineers of excellent standing, so far as I know——

Mr. ROOSEVELT. In the Navy?

The CHAIRMAN. Yes. Who deprecated it on the ground that it was a wiping out of their corps.

Mr. ROOSEVELT. One engineer did say that to me, and four or five line officers have said that to me. I believe I am understating the case when I say that 95 per cent—and I believe probably 99 per cent, as a matter of fact—of both branches favor the bill. Mr. White, do you know of any considerable opposition among the engineers?

Mr. WHITE. No, sir; they are almost united, with here and there a man who does not believe in it.

The CHAIRMAN. I will ask you the question, then, whether you do or do not regard this legislation as an abolishment of the Engineer Corps of the Navy?

Mr. ROOSEVELT. To answer that is largely a matter of terminology. You can either say it is abolishing the engineering corps or making all the men engineers. You can put it either way you wish.

The CHAIRMAN. No; you do not make all the men engineers because you adopt the line titles and line duties.

Mr. ROOSEVELT. I retain the line titles.

The CHAIRMAN. That does not answer my question.

Mr. FOSS. It is making the line officers engineers and the engineers line officers.

Mr. MEYERS. Practically an absorption of the Engineer Corps by the line?

Mr. ROOSEVELT. Yes, sir.

The CHAIRMAN. That is not an answer to my question. What I want to get is what provision there will be in the Navy Department for the engineer corps after this bill is adopted. Of course there will not be any engineer corps.

Mr. ROOSEVELT. No provision for a separate corps, because the bill makes all the line officers engineers.

The CHAIRMAN. It does not preserve any Engineer Corps. It can not preserve an Engineer Corps. The officers of the Navy can not be an Engineer Corps and at the same time be all other kinds of a corps, it seems to me.

Mr. ROOSEVELT. We do not have a gunnery corps or anything else. We have a Bureau of Steam Engineering.

The CHAIRMAN. Precisely. You do not have a gunnery corps.

Mr. ROOSEVELT. No, sir.

The CHAIRMAN. If you put the engineer people where the gunnery people are to-day, of course there will be no Engineer Corps, will there?

Mr. ROOSEVELT. No, sir; no distinctive corps.

The CHAIRMAN. I use the word in its Websterian way—the word corps. Does not this bill abolish the corps in its official status and with its official functions?

Mr. ROOSEVELT. Yes, sir. In other words, if you will turn to page 17 of the explanatory statement of the naval personnel bill, you will see what I say [reading]:

In other words, to do away with the engineers as a separate corps by requiring all line officers hereafter to possess that knowledge, both theoretical and practical, of steam engineering and mechanics which it is absolutely indispensable for the thoroughly efficient modern line officer to show.

The CHAIRMAN. If I had been familiar with that paragraph I would not have asked the question.

Mr. ROOSEVELT. Let me add this one statement. I begin the next paragraph by saying this:

Every officer on a modern war vessel in reality has to be an engineer whether he wants to or not. Everything on such a vessel goes by machinery, and every officer, whether dealing with the turrets or the engine room, has to do engineer's work. There is no longer any reason for having a separate body of engineers, responsible for only a part of the machinery. What we need is one homogeneous body, all of whose members are trained for the efficient performance of the duties of the modern line officer. The midshipmen will be grounded in all these duties at Annapolis, and will be perfected likewise in all of them by actual work after graduation. We are not making a revolution; we are merely recognizing and giving shape to an evolution which has come slowly but surely and naturally, and we propose to reorganize the Navy along the lines indicated by the course of the evolution itself.

The CHAIRMAN. My reason for asking that question was a pertinent one, and it was this: That in the early portion of my service on this committee a proposition emanated from the Navy Department to reorganize the Navy Department—the bureaus of the Navy Department. There were three bureaus—a bureau of personnel, a bureau of material, and a bureau of accounts; and under the subdivisions of that bill the bureau of material had as a subdivision construction—a division of construction, mind you—and a division of engineering. The officer who was to preside over that was not necessarily affiliated with either of those corps, because he could not be directly. But the Bureau of Engineering was proposed to be abolished, and the Bureau of Construction was to be abolished, and the bureau of material, which was intended

to be put under the charge of some distinguished expert, possibly a civilian, was to be the bureau.

The engineers protested against that, as I had special and personal reasons to know, in the most emphatic way, and I have received from them at the time, and have received from them since in various ways, the most emphatic expressions of their gratitude for the position that I took against that reorganization, especially as affecting the Engineer Corps, on the ground that the increased importance of engineering in the Navy, which everybody must recognize, forbade the idea of the abolition of a distinctive corps devoted to that branch of the public service; and in one of the letters that I got only a few days ago from a prominent engineer, he reminded me—I had forgotten about it—of the strong expressions that I received from the engineers of the Navy of their sense of obligation to me, because, with the help of one other Member in the House, we defeated that proposition—Goff and I—by the old plan of filibustering; that is, we talked the bill to death on the floor. I was speaking of that plan of Secretary Whitney's. They were to make a bureau of material, and have a division of construction and a division of engineering, and I opposed it on that ground; and as I say, engineers always expressed the greatest gratitude for saving or maintaining their autonomy. And I have heard from two of them recently expressing their dissent along that line, and it struck me as a significant line of criticism, that it is the abolishment of their corps, that the engineer service is no longer to have a distinctive existence in the Navy if this bill becomes a law.

Mr. CUMMINGS. Why have the engineers agreed to it, then?

The CHAIRMAN. I was asking about it. I was asking if there was any dissent on that ground.

Mr. ROOSEVELT. It abolishes their corps by making the entire line their corps.

Mr. CUMMINGS. By absorbing it?

Mr. ROOSEVELT. Yes, sir.

The CHAIRMAN. They become absorbed by the line.

Mr. ROOSEVELT. Yes, sir. We have the same Bureau of Steam Engineering now.

The CHAIRMAN. I do not see why you should.

Mr. ROOSEVELT. The same as you have to have a Bureau of Ordnance.

The CHAIRMAN. But it is not necessarily presided over by the engineers. I do not know that there is anything in this. I will be glad to read the letter, and I think I will read portions of it to the committee. It seemed to be earnest and sincere from this man's standpoint—that it abolished their corps—and while it might prove a certain advantage to certain people at certain periods, from this standpoint it seems that it certainly would be obliterating the engineer corps.

Mr. ROOSEVELT. I think the answer to that would be that the almost unanimous feeling of the engineer corps is in favor of the bill; that from Chief Engineer Melville down to the most recent graduate from Annapolis, I think, you will find the very great bulk of opinion—as I say, I believe 95 per cent will earnestly favor this bill, and they would not do that—

The CHAIRMAN. That certainly is entitled to great weight.

Mr. ROOSEVELT. That is entitled to great weight.

Mr. CUMMINGS. Is there any opposition among the line officers whatever to this bill?

The CHAIRMAN. I understand so.

Mr. ROOSEVELT. There are some who are opposed to it. There are 1,000 line officers and engineer officers, and I do not believe the wit of man could devise a bill which would not find some opposition among that many men.

Mr. CUMMINGS. You say that 95 per cent of the officers favor it?

Mr. ROOSEVELT. I believe that is an understatement of the number of officers favorable to this bill. I have yet to meet more than one younger officer—that is, under the rank of commander—opposed to the bill; and I know perhaps five or six above that grade who I think are opposed to it—I could not tell you definitely that they were.

The CHAIRMAN. Where men were in a very small minority their views would be entitled only to consideration in proportion to the strength of the arguments they might present.

Mr. MEYER. Has that clause which provides for the selection out of a certain number to produce a certain number of vacancies met with any antagonism on the part of the line?

Mr. ROOSEVELT. That has, sir; I think that that has been the chief cause of what little opposition there is in the line to the bill. Like every other practical measure, this measure is a compromise.

The CHAIRMAN. Where does that strike—that selection provision?

Mr. ROOSEVELT. It strikes up in the higher ranks. It provides for a selection. One of the things we wanted to prevent was the galloping through of the command grade in a very short period, and the retirement of everybody as an admiral at the end of his life.

The CHAIRMAN. You have worked that out to a considerable extent?

Mr. ROOSEVELT. Yes, sir.

The CHAIRMAN. Where does the sifting-out process operate?

Mr. ROOSEVELT. It begins in the lieutenants, but is practically confined to the lieutenant-commanders, commanders, and captains. A very limited number indeed will go out.

The CHAIRMAN. About how many?

Mr. ROOSEVELT. I think we calculate that in the next twenty years about 10 a year will go out. It will have this good effect——

The CHAIRMAN. When you say “go out,” what does that specifically mean?

Mr. ROOSEVELT. I mean they would retire in the lower grades of command rank, as captains or commanders instead of admirals and commodores. I think it will have this effect, that it will reduce the cost of the retired list by having upon it twenty years hence some 50 or 60 men retired as captains or commanders instead of as commodores or rear-admirals.

The CHAIRMAN. It will reduce the expenditure—it will reduce the expense?

Mr. ROOSEVELT. Yes, sir; more men will go out in the lower grades.

The CHAIRMAN. How does that affect the fellows who get the lower grade?

Mr. ROOSEVELT. It unquestionably will affect the individual retired; but we feel that the interests of that individual must be subordinated to the interests of the service; that we do not want to have men gallop through the higher grades. That provision was taken from the Meyer bill.

Mr. HILBORN. Are these men that are proposed to be eliminated men who ought to be gotten out by reason of incompetence?

Mr. ROOSEVELT. The men whom the board of admirals point out for the purpose will, after careful consideration, be the men whom the board decide to be the least desirable—not necessarily undesirable.

Mr. HILBORN. Why is it necessary to get rid of any of them? Do not we need more officers in the Navy?

Mr. ROOSEVELT. We need more in the lower ranks, but the reason we want to get rid of them in the higher ranks is this, as you know: We now have a stagnation of long standing in the lower ranks, with the result that the average age of the men low down in rank is very high. For instance, the torpedo flotilla which we now have in existence is commanded by men of the average age of 46 years—nearly double the age that would command a torpedo flotilla in any other service; and, while we think we have selected competent men, we certainly want younger men for such work.

You do not want a man for the purpose of commanding torpedo boats who is old enough to have a son at Annapolis. One of the commanders of a torpedo boat has a son who will graduate at Annapolis this year; and, upon my word, I think the boy rather than the father would come nearer the age to take command of such a boat. It happens that this man in question is an admirable torpedo-boat officer, but ordinarily I do not think the Cushings of the service would be found in men over 40 years old.

The CHAIRMAN (referring to bill). Where is that?

Mr. ROOSEVELT. Section 9 of the bill, which is as follows:

That should it be found, at the end of any fiscal year, that the retirements pursuant to the provisions of law now in force, the voluntary retirement provided for in this Act, and casualties are not sufficient to cause the average vacancies enumerated in section eight of this Act, the Secretary of the Navy shall, on or about the first day of June, convene a board of not less than three nor more than five rear-admirals, and shall place at its disposal the service and medical records on file in the Navy Department of all the officers in the grades of captain, commander, lieutenant-commander, and lieutenant. The board shall then select, as soon as practicable after the first day of July, a sufficient number of officers of the before-mentioned grades as constituted on the thirtieth day of June of that year, to cause the average vacancies enumerated in section eight of this Act.

I then skip some that it is not necessary for me to read.

Provided, That not more than 5 captains, 4 commanders, 4 lieutenant-commanders, and 2 lieutenants are so retired in any one year.

The CHAIRMAN. Now, in practical operation that strikes the grade of commander most heavily, does it not?

Mr. ROOSEVELT. Five captains, 4 commanders, and 4 lieutenant-commanders.

The CHAIRMAN. Every year, you mean?

Mr. ROOSEVELT. Yes, sir; unless those vacancies already exist.

The CHAIRMAN. Does not that strike the officers who served during the war almost entirely?

Mr. ROOSEVELT. It is bound to, sir.

The CHAIRMAN. I see here that the commanders on the active list entered the service from November, 1861, down to July, 1863. Here are 65 of them that entered from November, 1861, to July, 1863.

Mr. ROOSEVELT. We say this:

That any officer of the line of the Navy as constituted by this act with a creditable record, who served during the civil war, shall, when retired, be retired with the rank and three-fourths of the sea pay of the next higher grade.

We make a special provision, you see.

The CHAIRMAN. That does not let him go on and be retired as a commodore or admiral?

Mr. ROOSEVELT. No, sir.

The CHAIRMAN. But it does provide that these youngsters who come in now can go on, does it not?

Mr. ROOSEVELT. Only if they are efficient.

The CHAIRMAN. Aren't you making provisions by which the young men graduating this June, for instance, will have more rapid promotion and reach these higher grades when the older officers can not do so?

Mr. ROOSEVELT. No, sir; on the contrary, we provide that the same thing shall apply when they come up as applies now for officers in the grades specified.

The CHAIRMAN. But that does not quite answer the problem, because there would be under your system the glut that there was at that period. You know we rushed them along very rapidly because of the war, and made what is called the hump now.

Mr. ROOSEVELT. But the hump is not composed of men who served in the civil war. It is composed for the most part of the commanders and the beginning of the lieutenant-commanders.

The CHAIRMAN. The commanders must have been in the civil war.

Mr. MEYER. The hump is composed of the classes that entered Annapolis from 1861 to 1865, and they did not have any war service.

Mr. ROOSEVELT. You read the list of them and I will tell you whether any of them served in the civil war.

The CHAIRMAN. Oh, I see——

Mr. ROOSEVELT. For instance, Capt. Harry Davis——

The CHAIRMAN. No; it is the captains I was looking at that entered into the service. I can identify them here [referring to Naval Register]. The boys that would have graduated in 1864 went into the Navy for the last year and served there instead of at the academy?

Mr. ROOSEVELT. Yes, sir.

The CHAIRMAN. It will embrace the captain list very largely?

Mr. ROOSEVELT. Yes, sir; and this bill provides for an increased number of captains, so it will prevent any injustice happening to the men who came in during the civil war. The admirals who retire these men will be admirals who served during the war. They will not permit any injustice.

The CHAIRMAN. I notice by a casual look here that the men who will be liable to be thrown out under this bill are men who to-day are commanding some of the principal ships in our service—the very finest commands we have. For instance, here is Captain Barker, commanding the *Oregon*; here is Captain Higginson, commanding the *Massachusetts* battle ship.

Mr. ROOSEVELT. Both of these men are warm advocates of the bill.

The CHAIRMAN. That may be. Some men are self-denunciatory, you know. Here is the recent commander of the *Columbia*.

Mr. ROOSEVELT. Captain Sands?

The CHAIRMAN. Captain Sands.

Mr. ROOSEVELT. He favors the bill.

The CHAIRMAN. Here is Capt. Purnell S. Harrington, commanding the *Puritan*; Capt. Nicoll Ludlow, commanding the *Terror*——

Mr. ROOSEVELT. He favors the bill.

The CHAIRMAN (continuing). Capt. Francis A. Cooke, commanding the *Brooklyn*; Capt. Colby M. Chester, who was commanding the South Atlantic Station; Capt. Charles F. Clark, commanding the *Monterey*; Capt. Charles J. Barclay, commanding the *Amphitrite*; Capt. Joseph B. Coghlan, commanding the *Raleigh*; Captain Gridley, commanding the *Olympia*; Captain Leary, commanding the *San Francisco*; Captain Whiting, commanding the *Monadnock*——

Mr. ROOSEVELT. He advocates the bill.

The CHAIRMAN. They may be advocates of the bill from proper

motives, but if one of those men was an advocate of the bill it might be because it would retire him early and he wanted to get out. I may have some reasonable feeling that we want to hold onto those men. They must be valuable officers.

Mr. ROOSEVELT. I do not think any valuable officer will be——

The CHAIRMAN. But should they be subjected to the possibility of being retired by the board? That is the only criticism I make. I do not say it is a criticism, because I do not know enough about it, but it is a query in my mind. There is only one provision in that bill, as I remember it, for putting anybody off the service peremptorily, and it strikes in that list. It shows that under this provision the tenure of the men who are commanding our principal ships to-day is liable at the will of three admirals to be cut off.

Mr. ROOSEVELT. It seems to me that you can not well avoid it striking there, in part; but you must remember that only a part of the officers who are to be retired involuntarily are taken from the captain's grade.

The CHAIRMAN. Why not take it out of the later—there are only a few of those captains.

Mr. ROOSEVELT. The reason you can not do it is this: Under existing circumstances a man serves too long in the lower ranks and not long enough in the higher ranks, and the only way you can remedy this and still keep enough men in the lower ranks is by dropping some of them after promotion to the command grades.

The CHAIRMAN. Would it be possible under this law, if it should go into operation this summer, on the finding of a board of admirals—how many captains do you throw out each year?

Mr. ROOSEVELT. Five.

The CHAIRMAN (continuing). That Captain Sigsbee, Captain Crowninshield, who is Chief of the Bureau of Navigation, and that Captain Cooper, who commands the *Brooklyn*—and Captain Cooper was considered so efficient an officer that he was put in charge of the Naval Academy—could be arbitrarily put off the active list?

Mr. ROOSEVELT. It would be possible if you happened to convene an assemblage of lunatic admirals.

The CHAIRMAN. I am not intimating that the admirals would not act right; but is not this legislation making it possible that that injustice could be done to that class of men?

Mr. ROOSEVELT. Any legislation that provides for selection provides that there may possibly be an injustice done to a good man, but my own belief is that you must accept that risk for the sake of keeping the good men in the positions of usefulness.

The CHAIRMAN. Don't you think that it is a matter of regret that any such provision as that—any such legislation—should happen to be directed toward such meritorious and desirable officers as those?

Mr. ROOSEVELT. We have every reason to believe that this section 9 will be inoperative for something like five or ten years to come; and under the provisions of this bill we do not believe that at the outset more than one or two men a year in all the ranks together will be compulsorily retired, because we have made the number of compulsory vacancies so small that we have every reason to believe that the number of vacancies requisite for proper promotion will be filled by those who voluntarily retire and are retired from other causes, taking into the question the increase by the bill. The representatives of the captains and commanders went over that feature most carefully, and we have their ground for believing as I have stated. The doctrine of chances shows

that there is no reasonable probability of any captain or commander on the present lists being sacrificed through this bill. It will not begin to operate——

Mr. HILBORN. Why have it in at all?

Mr. ROOSEVELT. Because it establishes the sound principle of making a certain selection out.

The CHAIRMAN. Is it a sound principle?

Mr. ROOSEVELT. The board so think, sir.

The CHAIRMAN. I would like to eliminate every possible opportunity, if I could, out of legislation for anybody to use discretion in interfering with the position of officers.

Mr. HILBORN. Bear in mind that we have to eliminate everything possible from this bill that could be attacked.

Mr. ROOSEVELT. I understand; and I know that there may be an attack upon this feature of the bill, for reasons that may seem to have a sound basis. I think myself that such reasons are counterbalanced by other and weightier reasons. General Meyer's bill was much more drastic about selection, and my own view was in favor of General Meyer's bill on this point. I wanted it more drastic.

Mr. MEYER. Some of the board did not want it drastic at all, and this was put in as recognizing the principle that you should have some measure of selection, and yet making it as mild as you could have. At present we have promotion by pure seniority. That is, you make the man an admiral because he has a good stomach, because he does not take risks.

The CHAIRMAN. Not necessarily, if your officers do their duty——

Mr. ROOSEVELT. Will you mind my finishing this subject?

The CHAIRMAN. No; I wanted to put a point in right there.

Mr. ROOSEVELT. On page 22 of the report, you will see, I consider that very question of which you speak. At present, the man who is most certain to attain high rank is the man who will do his duty well enough to avoid a court-martial, but who will not show the traits that the big men, from Farragut to Cushing, have always shown—the trait of taking risks, of accepting responsibility.

The CHAIRMAN. We do not want many of those. We can not afford to have them. They are unsafe men.

Mr. ROOSEVELT. If you will excuse me for being personal, I rather think you are one of the men who would do that.

The CHAIRMAN. Oh, no. Cushing was a lunatic. He was a fellow from whose mind caution was so eliminated that he did extraordinary things that happened to be successful and were wonderful and brilliant, but he would not have done to have taken charge of great responsibilities.

Mr. ROOSEVELT. I think, though——

The CHAIRMAN. He was rash to a great degree.

Mr. ROOSEVELT. That is so; but I think we ought not to discourage the Cushings of the service.

The CHAIRMAN. I do not want to, but we can not afford to have too many of them.

Mr. ROOSEVELT. This does not give any big limit for them. All this bill says is this: That the highest officers of the Navy shall have the chance, if the need comes, to eliminate the man who has gone up simply because he has gone on living, who has never failed in his duty so conspicuously as to be exposed to severe rebuke from his superiors, but who has never taken any chances, who has never had in him that ambi-

tion toward higher things which the big captains, even the big subordinates, must have. It provides for eliminating him——

The CHAIRMAN. How are you going to provide for this by selection? I mean how are you going to secure it—how are you going to secure the promotion of the specially deserving people?

Mr. ROOSEVELT. We have not attempted to do that.

The CHAIRMAN. You can not do it by leaving it to the Department or the President, because he or they will be besieged and beset by all sorts of social influences, resulting in favoritism.

Mr. ROOSEVELT. You have struck the condition with which we were confronted. When I began the study of this subject I was set on having promotion by selection for special merit, and even yet I am not certain it would not be safe to have promotion by selection for merit, if you had a board of admirals.

The CHAIRMAN. You have the same kind of board to examine these men, and they ought not to be promoted unless they are the men qualified to hold the positions. There is where you can sift them out.

Mr. ROOSEVELT. If that examining board, under present conditions, turns down a man, that man's friends move heaven and earth until the Secretary and President have another board convened.

The CHAIRMAN. You will have the same conditions under your board.

Mr. ROOSEVELT. No; its recommendations are final.

The CHAIRMAN. It does not provide that the board shall not be pulled to and fro, and the board will probably be a board living in Washington for ten or fifteen years——

Mr. ROOSEVELT. I hope not. Not if I have any say.

Mr. FOSS. I suggest we take a recess.

The CHAIRMAN. I think the Secretary has gone over the main features.

Mr. HILBORN. There is just one thing I would like to ask. Of course, what we are all trying to do is to better and improve the condition of the American Navy. The American Navy is entitled to the best, whether it is in the line or the staff, whether it is in the line of command or engineers. Now, how can we get the best engineers? You think we can get them under this system. You say here on page 17 that every officer on the modern war vessel has to be in reality an engineer, whether he wants to or not. Lower down you say that the midshipmen will be grounded in all the duties at Annapolis, and will be perfected likewise in all these duties—will be perfected likewise in all of them by actual work after graduation.

If you can convince me that you can get first-class engineers from Annapolis with one year's study there, that we are going to get the men who will be equal to the great engineers who are being educated at these schools outside, and colleges of the country, then I am for your bill, but I have misgivings. We can only go to that one source for our engineers. Can we expect to get good engineers from that class of boys who are only trained one year in engineering?

We have shortened the curriculum there from six to four years, and now you propose, as I understand it, not to instruct a few of the class, but the whole of the class, in engineering; but you only propose to give them one year's instruction in engineering, and then put them in charge of these big ships. Are you sure we are going to get the kind of men in that way that ought to be put in these responsible places?

Mr. ROOSEVELT. Yes, sir.

Mr. HILBORN. If I could be sure of that, I would have no hesitation in supporting the bill.

Mr. ROOSEVELT. I answer unequivocally; yes, sir. The expensive schools of which you speak develop a grade of ability not necessary merely for the man who oversees the engines on the ship. They develop men who are going to be, as the chairman pointed out, the constructing and designing engineers, where you have to develop a very high grade of ability, indeed. Now, I do not expect that every graduate from the Naval Academy will be fitted for a constructing and designing engineer, but we shall get the men we need by careful choice from among the men who show particular aptitude for it in long years of service, and it must be remembered that we shall have a thousand men from whom these special men will develop. It must be remembered that Annapolis, like West Point, is a picked school. You get the cream of our young men at those schools in many ways. Each one of you knows how in any district the young fellows come forward, the best young fellows, and there is a severe competition among them for the places.

Mr. HILBORN. Is that the way you understand that Annapolis is filled—by competition?

Mr. ROOSEVELT. I do not mean necessarily written competition.

I shall only say this, that from the experience I have had the average Member of Congress certainly does try to get a good man to go to Annapolis. My own belief is, from what I have seen, that the average Member of Congress—and I would not seek to patronize the average Member of Congress if it was not necessary in answering your question—that the average Congressman does try to get good men. He sometimes tries to get them through written competitive examinations and at other times he does what I think often works as well, carefully selects himself the best man. I believe that the average Congressman takes a pride in having the boy he puts in turn out a good officer and be a good fellow. There is a good deal of choice in that way—

The CHAIRMAN. I think this is all irrelevant—

Mr. ROOSEVELT. But I was answering your question.

The CHAIRMAN. We will admit that it is a selected body, that they are about the average—

Mr. ROOSEVELT. But my answer was revelant, sir.

The CHAIRMAN. We do not need to follow that—

Mr. SOUTHARD. I see that they recommend the admission of young men at a younger age than heretofore, so they may graduate younger.

The CHAIRMAN. What is the age limit?

Mr. MEYER. Sixteen years to twenty years.

Mr. ROOSEVELT. We ask to have it from fifteen years to twenty years.

The CHAIRMAN. My impression is that Mr. George Wise made a motion to make it from fifteen years to twenty years, and that it prevailed.

Mr. ROOSEVELT. They have to learn a great part of the profession practically on the ships.

Mr. SOUTHARD. That was the question I was coming to. What opportunities have they for rapid development after leaving the institution?

Mr. ROOSEVELT. What opportunities? Being detailed to do the actual work. Let me come back to my young ensign on the torpedo boat. I guarantee that, after six months' service on the *Porter*, or *Dupont*, or *Cushing*, or *Ericsson*, the ensign is a better practical man for handling a war ship than the best man you can get from one of those technical schools, who has had no such service.

The CHAIRMAN. What is the age you propose?

Mr. ROOSEVELT. From 15 to 19 years.

The CHAIRMAN. I was a little surprised at one thing you said. Assuming this limited age has been established, say the boys entering at 16 and graduating therefore at 20 and immediately being commissioned, only having had one year's instruction; do you mean to say that you would detail such a boy to the *Iowa*, for instance, to take charge of her engines if the *Iowa* was about starting out to go into hostilities?

Mr. ROOSEVELT. Probably on the *Iowa* two or three——

The CHAIRMAN. Take the *New York* or *Brooklyn*. Is not such a man eligible? What are you going to do with him?

Mr. ROOSEVELT. Precisely what is done now.

Mr. WHITE. He goes to a ship and is assigned to duty.

Mr. ROOSEVELT. The same as now.

The CHAIRMAN. With this distinction: The young engineer not only has four years at Annapolis to-day and has had one year's service, but has been two years at sea studying and practicing under the supervision of others.

Mr. ROOSEVELT. The answer of Mr. White referred to the young fellow before he has had those two years at sea. As a matter of fact, now, practically as soon as he goes out, before he finishes his two years at sea, he is treated exactly as though he had finished those two years. He is put on duty, in charge of the engine room.

The CHAIRMAN. Given charge of the engines?

Mr. ROOSEVELT. I can not give you the details, but there will be no change in the arrangements at all.

The CHAIRMAN. Do you mean to say that one of those cadets after he goes on his post-graduate service—that he is put in charge, left in charge of the engines of these big ships?

Mr. WHITE. Yes, sir; we had two of them so on duty during my last cruise on the *Minneapolis*, probably not the first month, but after that they took charge until they left the ship. Otherwise we would not have enough people to do that duty.

Mr. ROOSEVELT. It is what is actually done and what works well.

Mr. FOSS. In this letter from the Secretary of the Navy he recommends certain modifications of the bill as proposed by the board. [Referring to letter.] He says in relation to sections 6 and 8:

Officers retired should be given three-fourths of the sea pay of the next higher grade.

Now, do I understand that all these recommendations which Secretary Long makes to the bill meet with the approval of the board?

Mr. ROOSEVELT. They must. We are under him. We stood by our original bill, but of course what the Secretary says is the final word.

Mr. FOSS. I thought possibly you might have agreed to it afterwards.

Mr. ROOSEVELT. I do not want to seem to disagree with my chief, and whatever he says must have the weight of his position, but I would not have signed the original report if I did not believe in it. I believe in the original provisions.

Mr. FOSS. No provision in it that an officer shall be retired of the rank he held, not of the next higher grade.

Mr. ROOSEVELT. Merely taking him out because he is not as good as those left in would be a hardship, and we thought that the Government could afford to make that up to him by letting him retire as of the grade next higher than that he actually holds at the time.

The CHAIRMAN. Let me interpolate there. Not that what I have to say is valuable, but it is in my mind, and I want to throw it out—the

strong feeling I have that the good of the Navy must depend to a great degree upon exciting the spirit of emulation or *esprit du corps*, and it does seem to me that when a man is especially educated for the service, and especially examined when he is admitted into the service, and has submitted to special examinations at every change of grade made, that he ought not to be put out when he has got as far as captain on the road to the highest distinction—which, of course, is the goal to which he looks forward if he has any ambition at all—that he ought not to be arbitrarily ousted except for serious fault. I think a man ought to be protected against that, and I do not believe as a general principle in the method of selection.

Briefly let me give you some of the experiences I have had. I have served fifteen years on this committee, and our committee room I might say has been thronged and our docket has been crowded through all that period by people who have come here to protest and by bills which sought to remove the alleged favoritism or mistakes or injustices that have occurred under action of these boards. The history of the legislation that has emanated from this table since I have been a member of this committee shows repeated instances of legislation to rectify wrongs that have been sufficiently recognized by this committee to make favorable reports, and in some cases to take some legislative action to remedy the wrongs done in this matter of selection, this matter of things being done by a board.

In the Army the law of selection, you know, covers all the higher promotions, and I have had a great deal of experience in that regard, and some that has been very extraordinary. So I think it is a pretty severe thing to provide that a man may go along and be a worthy officer, and then when he is just reaching the point where he is to receive the great rewards of his profession, be subject to be arbitrarily kicked out, taking the chances of the action of the board.

Mr. ROOSEVELT. I agree with you entirely about that. I appreciate all the difficulties, for it is a very difficult subject; but I can not help feeling, for the reasons set forth in General Meyer's report long ago, that it is desirable that there should be that selection. My own feeling is that it should be more drastic than we put in this bill, and I favor a more drastic measure. I believe, however, that for the very purpose of encouraging emulation we should not let officers feel that they are certain to go through. One thing, Mr. Hilborn, I want to bring to your attention, especially—one thing we should try to discourage—and that is the belief that the officer could get up to the highest grades by just living and doing barely well enough to prevent censure. The board of selection is sure to occasionally work injustice.

The CHAIRMAN. Just as much as it would be the duty of this board that you propose to act rightfully, is it not the duty to-day of every examining board to refuse to recommend for promotion any officer whom they fail to find morally, professionally, and physically fit and competent to occupy the higher grade for which he is a candidate; and if he is not fit, they have no business to promote him?

Mr. ROOSEVELT. As a matter of fact though, Mr. Boutelle, the board will not in any case refuse to promote a man unless something positive can be shown against him. The mere negative absence of higher qualities does not operate to prevent promotion. That is the practical working of the system, and we have to face the facts as we find them. That is the system as it now exists.

All we propose to do is to have out of the 70 candidates the 5 least

fit to become commodores chosen out for the time, eliminate 5 out of 70 captains, and 5 is the maximum; it may be less. As a matter of fact, for the next ten years it probably would not be 1 a year. Now, we are going to have a board of admirals, men who are supposed to have, and I think will have, the interests of the service at heart. We can not be sure that they will get the 5 people who are least fit. I think we can be sure that they will get the 5 who are among the 10 or 12 least fit. I think we can be very certain that they will not take out any of the men who ought to be at the top; that their error of judgment will be within the limits of the 10 or 12 who would be placed by everyone at the foot of the list.

There will be occasionally a man left in who is no better than a man taken out; occasionally injustice will be done; but on the whole the men who are among the least fit will go out, generally, I think, the least fitted. Thus there will be a constant spur, which is now lacking, to the men to show their peculiar excellence if they wish to reach the highest grade, the grades of commodore and admiral, and I think it is to the advantage of the Navy to encourage that spirit.

The CHAIRMAN. While it has no connection with that, I want to interpolate this: I should hate to be one of a board of admirals upon whom would be devolved the responsibility and the duty under the law to say that any one of this list of forty-five captains had not deserved of their country to be promoted to the next grade:

Capt. Henry B. Robeson, captain of the navy-yard at Portsmouth; Capt. Winfield S. Schley, who has just been selected to command the flying squadron; Capt. Silas Casey; Capt. William T. Sampson, commanding our fleet off Cuba to-day; Capt. Bartlett J. Cromwell, Capt. John W. Philip, commanding the *Texas*; Capt. Henry F. Picking, commanding the receiving ship *Wabash*; Capt. Frederick Rodgers, the president of the Board of Inspection and Survey; Capt. Louis Kempff, commanding the receiving ship *Independence*; Capt. Francis J. Higginson, commanding the *Massachusetts*; Capt. George Sumner, captain of the navy-yard, New York; Capt. Benjamin F. Day, member of Examining Board; Capt. Alex. H. McCormick, member Armor Board; Capt. Albert S. Barker, commanding the *Oregon*; Capt. Charles S. Cotton, waiting orders; Capt. Silas W. Terry, commanding the receiving ship *Franklin*; Capt. Merrill Miller, commanding the receiving ship *Vermont*; Capt. John J. Read, waiting orders; Capt. Mortimer L. Johnson, waiting orders; Capt. Edwin L. Shepard; Capt. Robley D. Evans, commander of the *Indiana*; Capt. Henry Glass; Capt. Philip H. Cooper, who was selected as superintendent of the Naval Academy; Capt. Henry C. Taylor, who was commander of the *Indiana*; Capt. George H. Wadleigh; Capt. A. S. Crowninshield, Chief of the Bureau of Navigation; Capt. Frank Wildes, commanding the *Boston*; Capt. James H. Sands, commanding the *Boston*; Capt. Yates Stirling; Capt. William C. Wise, captain of the navy-yard, Norfolk; Capt. Purnell F. Harrington, commanding the *Puritan*; Capt. Nicoll Ludlow, commanding the *Terror*; Capt. Francis A. Cook, commanding the *Brooklyn*; Capt. Colby M. Chester, commanding the South Atlantic Station; Capt. Charles E. Clark, commanding the *Monterey*; Capt. Charles J. Barclay, commanding the *Amphitrite*; Capt. Joseph B. Coghlan, commanding the *Raleigh*; Capt. Charles V. Gridley, commanding the *Olympia*; Capt. Charles D. Sigsbee; Capt. Richard P. Leary, commanding the *San Francisco*; Capt. William H. Whiting, commanding the *Monadnock*; Capt. Nehemiah M. Dyer, commanding the *Baltimore*;

Capt. Charles O'Neil, Chief of the Bureau of Ordnance; Capt. Casper F. Goodrich, president Naval War College; Capt. French E. Chadwick, commanding the *New York*.

Now, if there is any man in that list that has not earned the right to the promotion that is ahead of him I do not recognize his name.

Mr. ROOSEVELT. Well, sir, there are, as I believe, several names in that list that are markedly less good than several others.

The CHAIRMAN. That may be; we all differ. But that is not the point. Is there a man in that list who has so conducted himself that he ought to have a stigma put upon him of not being worthy of promotion if he passes all his examinations?

Mr. ROOSEVELT. I do not regard it as a stigma. For instance, there are one or two men who, under the present laws, are not entitled to promotion, who can never be commodores.

The CHAIRMAN. But they can escape some board saying that that could not be.

Mr. ROOSEVELT. There are one or two men there who should be made commodores, and I should approve of a system that would permit it, which, instead of ruling out the good men because they happen to be struck by the rule of seniority, would rule out the less good men so as to give the best men the best chance.

The CHAIRMAN. That is the way in the Army.

Mr. ROOSEVELT. In the Army they are not chosen by a board of major-generals.

The CHAIRMAN. But by the Secretary of War?

Mr. ROOSEVELT. Yes, sir; and we came to the conclusion that the board of admirals would be less likely to show favoritism or to be influenced by personal motives than the Secretary or the President. We agree that it would be better to leave it to a board of admirals rather than to a civil head.

I would like to answer Mr. Hilborn about the warrant officers. I want to repeat, now that we have a stenographer and this is being recorded, what I said before, that I feel that we ought to take up some measure which will provide for the betterment of the position of the warrant officers, and possibly for the selection of warrant officers who have shown exceptional merit in the way of great gallantry or some exceptional fitness, to provide some way for their being commissioned and put in and allowed to move up in the line; but we want to be exceedingly careful, when we come to this question of the warrant officers coming into the line, not to take any hasty or ill-considered action.

As regards your bill, sir, we want to be very sure that it is right to commission all the chief warrant officers instead of selecting out the most fit and commissioning them, before we go ahead. I could not pass an intelligent judgment upon the details of that measure now, and I do not think anyone could without giving most careful attention to it, without going through all of it most carefully.

Mr. HILBORN. How long do you think that investigation would take you?

Mr. ROOSEVELT. I could not tell you. When I was appointed on the board of the line and engineers I had no conception it would take us as long as it did. It took us, on and off, certainly two or three months before we got the thing into its final shape; and we would need some little time to prepare for legislation.

As you pointed out, Mr. Hilborn, there are far more friends of the warrant officers in Congress than there are friends of the line and staff. There will be no difficulty in doing justice to the enlisted men when it

is once formulated and put before Congress. Although I can not speak for my chief, I am confident he has the same view I have about it, that he wants to provide the opportunity for the best warrant officers to move up; but he wants to guard it so carefully as not to work any harm to the service. I do not think this committee could favorably pass judgment on the niceties of such a bill——

Mr. HILBORN. Can you point out any irreparable damage that would occur from passing that warrant officers' bill as it is?

Mr. ROOSEVELT. I can not, for the reason I have just told you, that I do not know enough of the subject to say whether it would be a great good or a great harm to the service. I would have to consider it carefully before I could say it would do great harm. It may be, as I am inclined to think it will be, that I should* approve that bill as it now stands and make it go a little further. On the other hand, it might be that there would develop, on careful investigation, serious objections to permitting all the chief warrant officers to enter into the line. There may be some serious objections to that. As I have said, I do not know enough about it to pass an intelligent judgment, whether of approbation or disapprobation upon it.

If the committee wants, I will be more than delighted to take up, not at the present moment—because I am as busy as you are, that is, driven half to death with work—but just as soon as we can have a little relief in the work I will be very glad to take the matter up, make a careful investigation of it, using your bill as the base, and present for the consideration of the committee what we regard as a thoroughly well-digested means to attain those ends. Then you can do whatever you see fit. Then we will know enough at least to give reasons for the faith that is in us.

Mr. HILBORN. There is a liability, no matter what this committee does, that my bill will be moved as an amendment in the House, and if that is done it will go on, and for that reason I think we had better consider this now. I speak of that as the reason why it should receive immediate consideration.

Mr. ROOSEVELT. It seems to me the friends of the warrant officers in the House would be satisfied if the matter is put to them in this way. I have assured you of the readiness of the Department to consider this subject at the earliest practicable date. Mr. Walsh, who represents the warrant officers, and his attorneys, Messrs. Dudley and Michener, have agreed to this proposition. If the committee approves this plan, and would so state to the House, adding that I would go in and do what I could, don't you think that that would satisfy the friends of the warrant officers in the House.

Mr. HILBORN. I think not. I think they would think that was a pretext for putting it off.

Mr. ROOSEVELT. No man who knows me will take anything I say as a pretext.

Mr. CUMMINGS. What status do mates occupy?

The CHAIRMAN. They are not one thing or another. I was four years trying to get the poor devils put somewhere or another, because they were neither fish, fowl, nor red herring. We got those fellows provided for by special legislation, and now we have got a whole lot more of them.

Mr. ROOSEVELT. That is something I can not give you any answer about. That is done by the Bureau of Navigation.

The CHAIRMAN. We supposed they had got through with it altogether and we ought to have put in an abolition of the corps.

Mr. CUMMINGS. There are 28 of them on the retired list.

Mr. SOUTHARD. This question may be indicative of lack of information upon my part, but I would like to ask what officers are included in the term "petty officers."

The CHAIRMAN. Petty officers are selected among the enlisted men. A petty officer is an officer of enlisted men.

Mr. HILBORN. He holds neither warrant nor commission?

The CHAIRMAN. Such as captain of the forecastle or boatswain's mate or master at arms; they are petty officers.

Mr. SOUTHARD. Are there any definite number of positions that are brought within the scope of petty officers?

The CHAIRMAN. Yes; they are by the regulations.

Mr. MEYER. I want to ask one question. It may not be very vital, but I do it with a view of making your historical statement with reference to the difference between the line and engineers to a certain extent complete. From the statement that has been made it might appear that the line officers have very little, if any, cause of contention or grievance as to the engineers, and I wanted to ask this question, and if you think it of sufficient importance perhaps it would be well to have it inserted at the proper point with what has gone before.

Is it not true that one of the causes of grievance on the part of the line against the engineers consists in this: That all measures proposed in the interest of the line with respect to establishing a better flow of promotion in directions deemed essential were antagonized by the engineers and fiercely and effectively fought by them by the use of their influence with Congressmen and otherwise? Now that is one of the causes of grievance on the part of the line which——

The CHAIRMAN. That was the allegation of the line?

Mr. MEYER. Yes.

Mr. ROOSEVELT. I am inclined to think that each corps has had legitimate cause to be angry at the position of the other corps made to its advancement in times past, and that the present position of things made it inevitable that there should be that jealousy.

The CHAIRMAN. And that contention has resulted, to a great extent, in having legislation made upon partial lines, first for one corps on certain lines and then for another corps on other lines?

Mr. ROOSEVELT. Precisely.

Mr. MEYER. If you will refer to section 12 of that bill, it provides "that any officer of the line," etc. Why should you say "any officer of the line?" Why not say any officer of the Navy?

Mr. ROOSEVELT. Because we are only dealing with officers of the line in this bill. I do not want to deal with the pay corps or marines or surgeons or chaplains or any other than these two, because we made a complete job of them, and I do not want to make a half job of any other corps.

Mr. MEYER. My question is inspired by a staff officer. It did not originate with me. I wanted to cover all the points, you understand.

The CHAIRMAN. We used to talk about the line and the staff, but this personnel bill has caused everybody to use the term as referring to the engineers and the line.

Mr. FOSS. Did your board have hearings before it?

Mr. ROOSEVELT. Not often; we did occasionally. But the way the board managed was usually this: We had representatives of every interest as members, and we held meetings, after which those members would go off and consult with their friends.

Mr. White, you can correct me if I am not correct in this. For instance, the engineers, when this proposition of amalgamation was

made, went off and consulted with all the representative engineers and came back with their views. The same was true with the young line officers, and with those whom we called the conservative line officers. The best proof that every interest was heard is the fact that the bill is acceptable to practically every interest, and that the people to whom it is not acceptable will be certainly less than 5 per cent. I do not believe there are more than 2 per cent of the officers, either in the line or the engineer corps, to whom this bill will not be acceptable.

Thereupon, at 3.15 o'clock p. m., the committee adjourned until to-morrow morning at 11 a. m.

COMMITTEE ON NAVAL AFFAIRS,
Thursday, April 7, 1898.

The Committee on Naval Affairs this day met, Hon. Charles A. Boutelle in the chair.

**STATEMENTS OF LIEUT. A. L. KEY AND W. M. McFARLAND, PASSED
ASSISTANT ENGINEER.**

The CHAIRMAN. Lieutenant, we are engaged in considering what is called the personnel bill. Assistant Secretary Roosevelt was here yesterday and gave some information in regard to the desirability of the measure, and it was suggested you two gentlemen were familiar with the preparation of the bill and its expected workings, and by order of the committee you were invited to come to-day and give it such information as they might desire to obtain. Now, if you gentlemen of the committee will ask any questions you desire about the bill, Lieutenant Key or Lieutenant McFarland will answer them.

Mr. BUTLER. Will not you, Mr. Chairman, ask the lieutenant some questions, so as to commence the hearing?

The CHAIRMAN. It was not at my suggestion that the gentlemen were invited here, and I do not know exactly what points are desired to be brought out. Now here is General Meyers, who has had a great deal of familiarity with the legislation hitherto, and perhaps he will put some questions.

Mr. FOSS. I thought it would be well to take up each section of the bill and go right through with it and let the lieutenants explain the operations of the sections.

The CHAIRMAN. Then will you not take hold of it and just make the inquiries?

Mr. FOSS. Unless some members of the committee prefer some other arrangement—

Mr. BUTLER. I suggest we take it up that way, section by section, and inquire of these gentlemen.

The CHAIRMAN. I understand one of these gentlemen is a member of the line and the other is a member of the Engineer Corps, and somebody, I do not remember who, gave their names as gentlemen desirable to be invited here.

Mr. FOSS. Secretary Roosevelt suggested the gentlemen.

Mr. MEYER. And inasmuch as Lieutenant Key was a member of the board and represents, as Mr. Roosevelt stated, the active and aggressive portion of the line, he thought it might be well to hear him for a few moments.

Mr. KEY. Perhaps taking up the bill by sections would be the quickest way to get at it, and then if anything came up that is not understood I could explain it or answer any questions put to me.

Mr. FOSS. Shall we start in by reading the bill?

Mr. KEY. It seems to me, if I understand what you wish to get at, that that would be the most satisfactory way.

Mr. FOSS (in the chair). The committee will please come to order, and I will start in by reading the bill; and if any members of the committee desire to ask Lieutenants Key or McFarland any questions at the close of each section or paragraph, why, they can do so.

A BILL To combine the line and Engineer Corps of the Navy.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the officers constituting the Engineer Corps of the Navy be, and are hereby, transferred to the line of the Navy, and shall be commissioned accordingly.

Are there any questions upon that particular section?

Mr. BUTLER. We understand hereafter the whole service is to be known as the line?

Mr. KEY. That is, those officers who at present constitute the line and Engineer Corps.

Mr. BUTLER. Then the service hereafter is to be known as the line?

Mr. CUMMINGS. They are amalgamated.

Mr. BUTLER. And the Engineer Corps will be abolished; that, is in name. Of course the engineers will be retained?

Mr. KEY. There will be no Engineer Corps as such, but its members go into the line.

Mr. DAYTON. Now, I want to ask both Lieutenant Key and Lieutenant McFarland to give us any views that they may have on that section and the reasons for it.

Mr. KEY. The idea of consolidating the Engineer Corps and the line is that the duties of a naval officer have changed very much in the past twenty-five or thirty years. The line officer, in addition to his deck duties and navigation duties, must be an ordnance officer, and has everything to do with the ordnance machinery, the gun carriages, and the manipulation of the turrets, all of which is very complicated machinery. In addition, he has charge of the dynamo plant of a ship, which has its own steam engine, and all the wiring and electrical attachments. All through his duties pertain to engineering, and yet one officer performs all of those different duties—the line officer. Engineering duties are simply one of the analogous duties which can also be performed.

It is believed in the service that the amount of duty he has to do with the engines will make him really a more efficient officer; that he will be more familiar with the motive power of the ship, and it is strictly in accordance with the duties now performed. There is no more reason for having a separate corps to look out for the engines alone than it would be to have a separate corps to look out for all the ordnance and all the machinery for it, or to have a separate corps to look out for the dynamos and everything connected with the electricity of the ship. The properly trained officer should be able to look out for all practical matters connected with the machinery in any of the several departments of the ship, and will be a more efficient officer by doing it.

Mr. DAYTON. Now, Lieutenant McFarland, have you anything more you want to add to that statement?

Mr. MCFARLAND. I do not know that there is much to add, but I might express it, perhaps, in different words. The idea is, as Mr.

Roosevelt put it in his report to the Secretary transmitting the bill as drawn up by the board of officers, of which Lieutenant Key and myself were members, that the time has come when every officer has to be an engineer. In other words, the duties on board ship have so changed that they are all of an engineering nature, and the idea of this bill is to train the naval officer of the future to fit the duties which come upon him, and not retain an obsolete system. We want to make the organization of the Navy fit the condition of the Navy as you find it to-day.

Mr. DAYTON. Now, I want to ask this question, because I think it will be one that the Members of the House will be interested in: While you generalize instead of specialize by this bill, and make the naval officers have knowledge of all these duties, there is nothing that will prevent the selection of an officer who has a peculiar faculty for any particular branch of naval work from being detailed to that naval work, is there?

Mr. MCFARLAND. Not at all. The fact is, at present, that while there is no special ordnance corps, all the officers of the present line of the Navy being presumed to be competent in ordnance matters, it nevertheless happens that certain men have peculiar aptitude for it; and for these portions of ordnance work requiring a special aptitude these officers have, by natural processes, been practically selected over and over again. For instance, a young man displays special aptitude in some line of work, and we give him an opportunity to develop it. If it is found that he really has this aptitude, as time goes on he is generally detailed to work of that kind. So it will be under the new scheme.

Mr. DAYTON. As I understand the system now it is an arbitrary one, especially at the Naval Academy, whereby a certain number of graduates of that institution are allotted and assigned to the line corps and a certain number to the engineering corps, and that it matters not whether the line officer may have peculiar faculty for staff duty or engineer's duty or not, he is never called upon to do that duty, because he is in the line; and, on the other hand, no matter how much ability an engineer may have as a line officer in performing the duties of a line officer, he is never called upon to do that duty, because he is in the Engineer Corps.

Mr. MCFARLAND. That is correct.

Mr. DAYTON. And that this arbitrary assignment of these corps is made at the Naval Academy before anybody can form a full and fair conception of the man's peculiar ability to do either one of the work?

Mr. MCFARLAND. Exactly.

Mr. KEY. And also it is well to note that, in the training of the engineer officers and the line officers to-day, they have exactly the same course of study and training at the Naval Academy for the first three years. It is only in the last year that there is a change in the course, and that shows how small a distinction there is in the training.

Mr. FOSS. Right there, Mr. Dayton spoke of this assignment being arbitrary; is it a voluntary or arbitrary one?

Mr. DAYTON. I do not mean—

Mr. FOSS. It is voluntary to some extent?

Mr. KEY. As far as the cadets will volunteer, but very often the academic board has to decide themselves how the cadets shall be put in the corps, and they are given their choice, so far as they can be, according to their standing and multiples at the Academy. For instance, a man might stand No. 1 in steam engineering, so far as the course is concerned there, and yet stand 12 in the class, and of course he would become No. 12 in regard to choice.

Mr. DAYTON. And if he is twelfth in the class——

Mr. KEY. He might choose to go in the Marine Corps.

Mr. SOUTHARD. Following out the idea of having special aptitude for one particular branch and another in the service, I suppose this result will follow: You frequently have an officer of higher rank down in the hold, and an officer of lower rank actually in command of a ship, and for the time being he is the superior of the officer of a higher rank?

Mr. KEY. No, sir; not under the provisions of the new bill.

Mr. MCFARLAND. That is hardly likely.

Mr. KEY. It could not be under the provisions of this bill. It could not very well happen, because one advantage of this consolidation would be that the senior officer of this "new line" will always succeed to the command. It makes that many additional officers who succeed to the command of a ship in the order of their rank. Under ordinary conditions, as the Department would send an officer to the ship, the senior one would be of course in command; if he should in action get killed off, the next ranking officer, who might be acting as chief engineer of the ship under this new bill.

Mr. SOUTHARD. He would assume command of the ship?

Mr. KEY. Yes; when this bill has passed; he would not at the present time.

Mr. SOUTHARD. So the result would be to take a man away from that duty for which he has special aptitude and put him in command of a ship, a service for which he has no special aptitude, and put somebody in his place who has not any special aptitude for that service that the man removed from that place has?

Mr. MCFARLAND. I do not think that is quite a fair way to put it, if you will pardon me for saying so. I think the idea is this: If an officer has shown special aptitude for any particular branch, say ordnance, electricity, steam, or hydraulic machinery, etc., it is proposed to utilize him at proper times and places for this special work, but every officer is to be so trained that when on board ship he can be assigned to any duty, and can perform it efficiently after having time enough to become acquainted with his surroundings. You must allow that much time, even to a man who confines himself to one line of work.

Mr. SOUTHARD. Not being familiar with the service, of course I do not know what will take place or how it will work, but it strikes me that a certain man will develop perhaps very early in life a special aptitude for handling machinery. One man may make a specialty, for instance, of steam machinery; another may make a specialty of that kind of machinery which pertains to the operating of the turrets; another may make a specialty of that kind of work which pertains to torpedoes. I do not know how fully that would employ a man's time or attention or ability, but these men would naturally drift off, I take it, on these special lines of work; that is, some men will be better qualified to build engines, handle engines, and operate engines than others. In other words, he will have a special aptitude for that kind of work. Now you propose, notwithstanding that man's special fitness and his special ability for that line of work, providing his rank admits it, to put him in command of a ship and put a man who has less skill in the matter of handling and operating engines down at the engine work.

Mr. KEY. The whole thing, sir, is this. We are trying to get as many officers who are ready to fight a ship as possible. We can not afford, aboard ship, where you have a few officers, to divide them up into a number of specialists and say that this man can do nothing but attend to the ordnance machinery and dynamos, and these others shall look

out for engines; but what we want to get is a man who can look out for all of those things and fight the whole ship, who is ready to take his place in the line of battle. That is our main necessity or main reason for existence, and if we tried to divide ourselves up into specialists, and one look out for one particular thing in the ship, and another for another, then we will immensely lose in efficiency when it comes to considering the whole ship.

As Mr. McFarland has just stated it, where the specialist comes in is in designing the machinery, and he will be ordered to such duty when on shore. If he is a good designer, he is of great service to the Bureau of Ordnance or the Bureau of Steam Engineering, or the different bureaus. He will be kept on shore a good deal to look out for that particular work, but the practical all-round man is the man we want aboard ship. The ideal officer is the man who has a general knowledge of the practical workings of all the machinery of the ship.

Mr. HURLEY. Does the commissioned officer actually handle the machinery, the levers?

Mr. KEY. No, sir; not as a rule.

Mr. MCFARLAND. As I am an engineer, I can answer that question better than Mr. Key.

Mr. HURLEY. What is the fact?

Mr. MCFARLAND. The fact is ordinarily where you have one commissioned officer on watch, and you have, as on the *New York*, for instance, four engine rooms, necessarily that one man can not handle all the levers.

Mr. HURLEY. He does not handle them at all?

Mr. MCFARLAND. It is not his business; he has to superintend the work; but it is often necessary, as it has happened in my own case, when a certain order came and I was the nearest person to the lever, I was the one who did the handling. Of course, however, one officer can not run everything in the whole place.

Mr. HURLEY. There is a man there to do that?

Mr. MCFARLAND. Oh yes, sir. Now, I would like to answer one point which Mr. Southard made, which I think is a rather important one and which Mr. Key did not answer fully. Mr. Southard made the point that by the plan we propose of having all the officers eligible to command and training them for all the duties, it might happen that a man who was really, perhaps, the best fitted on board to handle the machinery might be taken out of that duty and given command, while another man not quite so well fitted would be put below in charge of the machinery. I want to make the point that while this first man might be better fitted than the other, the other is sufficiently fitted. That is the idea of this bill.

In the training of people, some of course will be better than others, because, in any profession, in every calling in life, some will be leaders and others not quite so good, but still we want all to have a high average. Our aim is to make all naval officers men of very high average ability, so that they are competent to do any work which may present itself. Now, you may happen in one case to have a man who is of very superior ability and replace him with another man who is not quite so good, but nevertheless that second man has had the proper training so that he will be able to perform efficiently the duties required of that position.

Mr. DAYTON. Let me add and ask if that is not true that the trouble has been largely that the cadets at the Naval Academy, a certain class of them, without any other than a year's extra preparation, theoretical

preparation, and without any test of their abilities, have gone into the Engineer Corps, and when they go in the Engineer Corps, while they have the same education substantially, they have the same length, of course, they have never been permitted to have charge of a ship, while the line officers have had, and at the same time have had charge of a good deal of machinery besides?

Mr. MCFARLAND. Well, at the time the selection is made, at the time of their differentiation, while they are still cadets, they are too young to have either had command of a ship or to have been tested in any other way. Up to the time of the differentiation they have identically and absolutely the same training.

Mr. DAYTON. In other words, there has been a certain caste established whereby the line officers and Engineer Corps have not been permitted to occupy the same place on the same basis that their educational qualifications would authorize them to occupy?

Mr. BUTLER. Lieutenant Key, you are at Annapolis?

Mr. KEY. Yes, sir.

Mr. BUTLER. Can you give us an idea of what course will be hereafter pursued in the event of the passage of this bill?

Mr. SOUTHARD. Let us get through with this point.

Mr. BUTLER. We have been discussing what the engineer studies and what the line of studies are, and I would like to ask what would be the course of study hereafter, in your opinion, in the event of the passage of this bill?

Mr. HURLEY. It would be one course for all?

Mr. KEY. It would be one course for all. There would be additional instruction in engineering, I suppose; that is, under the new plan probably the whole corps of cadets will get more engineering than the engineer cadets get now.

Mr. MCFARLAND. That was the idea of the board in framing the personnel bill.

Mr. DAYTON. And be better prepared than the Engineer Corps at present?

Mr. MCFARLAND. Yes, sir.

Mr. MEYER. What is the custom of selecting the engineer cadets as distinguished from the others?

Mr. KEY. The general rule, I believe, is that the cadets are allowed to choose the corps according to their standing in the class; that is, they can state their choice to the academic board and are allowed to go to the corps according to their standing. The man standing No. 1 has the first choice. Say the first three men all wanted to go into the construction corps, and there was that number of vacancies, they would be allowed to go; the fourth man might choose the construction corps, and he would be ruled out and given his second choice.

Mr. HURLEY. Which corps receives the preference?

Mr. KEY. The construction corps, usually.

Mr. MEYER. Is it not a fact in many instances, if not in a majority, the cadets select the Engineer Corps not so much because they believe they have a special aptitude for that work, but because under the existing system the pay is greater, and they get about \$400 or \$500 more pay?

Mr. KEY. That undoubtedly has had weight with a good many.

Mr. MEYER. My idea is this, that they do not go into that corps because they deem themselves to have special aptitude, and therefore it can not be claimed that the engineers who go into that service under

the existing conditions do so because they conceive they have better talent or better aptitude for that than for the line.

Mr. MCFARLAND. I think you are right in what you say about the extra pay having some weight.

Mr. KEY. Sometimes they are about ready to get married when they leave the Academy, and the \$400 or \$500 additional is a big item, and has a weight in their choice aside from their particular abilities.

Mr. FOSS. There is nothing in this bill, when a man shows or has shown special aptitude for a particular line of work, which prevents the Secretary of the Navy from appointing him to that particular duty?

Mr. KEY. No, sir; it opens a wider channel—a wider door.

Mr. FOSS. The whole purpose of this bill, as I understand it, is to increase the efficiency of the average man?

Mr. KEY. Yes, sir; certainly.

Mr. MCFARLAND. We do not reduce the efficiency of the more brilliant man, and we do raise the efficiency of the average man.

Mr. SOUTHARD. Will it be perfectly proper and possible under this bill to assign a commander to the duties of an engineer?

Mr. MCFARLAND. After a time, if it was necessary, some commander would be assigned as chief engineer of a navy-yard. That certainly would be the case after this bill goes into effect. An officer who was doing subordinate duty, one subordinate duty being charge of machinery and that sort of thing, would necessarily be of lower rank than commander, for the commander will have command of a ship. The officer in charge of the machinery of a ship might be a lieutenant-commander, or on a small ship a lieutenant, which is the relative rank now for engineers performing this duty. A commander could be assigned to duty as the head of a department at a navy-yard.

Undoubtedly, if this bill passes, in ten or fifteen years from now you will have officers with the rank of commander who will be head of the department of steam engineering at some of the navy-yards. That is the idea in the bill.

Mr. SOUTHARD. It would never be a proper regulation to assign a commander to the duties which would now devolve upon an engineer on board a ship and to assign an officer of a lower grade to the command of the same ship?

Mr. MCFARLAND. Not under this bill; that would never happen. There would be no question of a senior having to report to a junior, or anything of that sort. It would not be possible for that to occur under this bill.

Mr. DAYTON. For the benefit of the uninformed members who may do us the favor to read this, I think one of these gentlemen had better start in at the bottom and give the rank of all naval officers in the order in which they come, because I undertake to say a good many members of the House do not understand what these ranks are. First give the line officers and then the engineer officers. I know when I first came into this committee room I did not know them. One of you go on and give us first the line officers' ranks, beginning at the bottom, until you get to the top, and then give the engineers, so that we may have the distinction side by side.

Mr. KEY. I will give those of the line officers, and Mr. McFarland can give those of the engineers corresponding, because there is a break in the system. The junior grade of the line is the ensign, the junior commissioned officer.

Mr. DAYTON. He is the fellow just graduated from the academy.

Mr. KEY. After six years.

Mr. DAYTON. Two at sea?

Mr. KEY. Four at the academy and two at sea.

Mr. DAYTON. What is the engineering rank?

Mr. MCFARLAND. The corresponding rank in the Engineer Corps would be assistant engineer.

Mr. KEY. The next rank in the line above that is lieutenant, junior grade.

Mr. MCFARLAND. The corresponding rank in the Engineer Corps would be either assistant engineer or passed assistant engineer, dependent upon a somewhat complicated arrangement as to the rank of their classmates in the line.

Mr. KEY. The next in the line is the lieutenant.

Mr. MCFARLAND. In the Engineer Corps that would be passed assistant engineer, or possibly chief engineer, depending in the same way on the rank of the officers in the line of the same length of service.

Mr. KEY. The next in the line is the lieutenant-commander.

Mr. MCFARLAND. That would be chief engineer.

Mr. KEY. Then commander.

Mr. MCFARLAND. That also would be chief engineer.

Mr. KEY. The next is captain.

Mr. MCFARLAND. That also would be chief engineer.

Mr. KEY. Then commodore.

Mr. MCFARLAND. In the Engineer Corps there is only one, a chief of bureau, the engineer in chief.

Mr. KEY. The last is admiral. We did have a vice-admiral after the war, but the grade died out.

Mr. MCFARLAND. Suppose Mr. Key and I were classmates. It might happen at a particular time that promotions were a little more rapid in the line than in the engineers, so that he would get promoted to be a junior lieutenant before I got off the assistant engineers' list. In that case the assistant engineer would have the relative rank of junior lieutenant. Then suppose, on the contrary, I was promoted a little more rapidly than he was. If he is still a junior lieutenant and I become a passed assistant, I would still have the relative rank of junior lieutenant until his class was promoted, when I would become a passed assistant engineer with the full rank of lieutenant. The idea is to make the rank in the two corps run about the same for the same length of service.

Mr. HURLEY. Are these ranks in this bill the same as now? I see in this bill you leave out commodore.

Mr. KEY. The commodore is merged in the rear-admiral.

Mr. MCFARLAND. We have retained the rank of commodore for the chiefs of bureau and the case where an officer is detailed to command a squadron, a small squadron of two or three ships.

Mr. DAYTON. Is it true, now, for instance, an engineer who occupies a position in the country's history like that of Commodore Melville can not possibly become a rear-admiral under our present system?

Mr. MCFARLAND. No; he could not.

Mr. SOUTHARD. He just ranks as commodore?

Mr. CUMMINGS. Commodore is the only American title in the Navy. All the rest are——

Mr. KEY. They have had commodores in the English navy.

Mr. MCFARLAND. It is a temporary rank there.

Mr. KEY. The trouble is it was only a temporary rank, and we are the only navy which retains the intermediate grade between the captain and flag-officer.

Mr. CUMMINGS. Did we derive that title from the English?

Mr. KEY. I am not sure about that, but I know the English have had it for a good many years. Most of our titles are taken from the English.

Mr. CUMMINGS. Commodore is strictly an American title, and some say it is a shame it should be dropped out.

Mr. KEY. I think we got it from the English. Of course, some of our most distinguished naval officers have been commodores, and earned their honors under the title of commodore. This is an intermediate grade which puts our officer in command of squadrons where——

Mr. McFARLAND. If you will pardon me, I will say it is like the difference between an ambassador and a minister. For a long time we insisted upon having ministers, and yet the representatives of this country would have to tail on after the ambassador from Nicaragua or some such place.

Mr. SOUTHARD. Where would the Engineer Corps gain by this amalgamation?

Mr. HURLEY. It goes out of existence.

Mr. McFARLAND. What the engineer corps has been asking for all these years, being officers of the service, was to be recognized as officers of the service in every respect. Now, this bill grants everything that the engineers have ever asked. In fact, it grants more than they had ever thought of asking. Many officers of the engineer corps and many officers of the line, and I may say I am among the number, have believed, however, for many years that exactly such a scheme as the one outlined in the bill is the one that would have to come to make the Navy fit modern conditions. So, when this board was organized and the engineers were asked what they wanted, they did not ask for this amalgamation, but they asked to have actual rank instead of relative rank, and to have the right to command——

Mr. CUMMINGS. What do you mean by relative rank?

Mr. McFARLAND. I think I might say what Mr. Roosevelt said to the board, that neither he nor the Secretary of the Navy had been able to find out what it meant, and I am in very much the same condition.

Mr. HURLEY. What is the general acceptation of the meaning?

Mr. McFARLAND. The idea was to enable officers in the Navy who did not have a military title to indicate that they were officers of the Navy, to give them some standing, some relation to the other officers in the service.

Mr. SOUTHARD. I suppose in the matter of courts-martial and in such proceedings they take status relatively?

Mr. McFARLAND. Yes.

Mr. SOUTHARD. For instance, the engineer in chief takes the same rank in all matters outside of the command of the ship as commodore?

Mr. McFARLAND. Yes, sir.

Mr. SOUTHARD. And the chief engineer would take the rank of commander or lieutenant-commander?

Mr. McFARLAND. Yes, sir.

Mr. SOUTHARD. It fixes their status in all matters of social intercourse and proceedings outside of the actual command of the ship, is that not about it?

Mr. McFARLAND. That is about it.

Mr. SOUTHARD. And that is about all you could say about it?

Mr. KEY. It really means the same thing. You would say rank "with" or "as." An ensign has the relative rank of second lieutenant

of the Army, and a lieutenant of the Navy has the relative rank of captain in the Army, or ranks with a captain of the Army. So you can say, in the same way, a passed assistant engineer ranks with a first lieutenant or as a first lieutenant.

Mr. CUMMINGS. How do you live and mess on board ship?

Mr. KEY. On board ship the line officers are on the starboard side and the engineers and marine officers and paymaster on the port side. The executive officer presides at the head of the table. The line officers sit in the order of their rank on his left and the staff officers in the order of their rank on the right.

Mr. DAYTON. I want you gentlemen to answer this objection that I have heard made on more than one occasion. That in the event of our having trouble at this time that this amalgamation would likely produce confusion, and would be the swapping of horses in the middle of a stream. I want you to answer that objection, if you can.

Mr. KEY. On the contrary, this bill, if it was passed to-morrow, would leave the present duties of officers just as they are to-day for some time.

Mr. DAYTON. For what period of time?

Mr. KEY. At the end of two years the younger engineer officers must be able to pass the line examination for the grade they hold.

Mr. MCFARLAND. And if you will permit me to interrupt, the duties do not necessarily change then, at the end of two years, because the assignment to duty being entirely in the Department's discretion, if the authorities found that, for the highest efficiency of the service, they must keep people at just what they were doing then for an additional year or two years, they could keep them at it.

Mr. KEY. And one of the great benefits of the bill is to harmonize two different corps that have been fighting and bickering with each other for fifteen or twenty years.

Mr. SOUTHARD. The provision of section 3—

That any officer described in this section may upon his own application made within six months after the passage of this act, be assigned to the general duties of the line if he pass the examination now provided by law as preliminary to promotion, etc.

Mr. FOSS. Would it not be better to take this up in its regular order?

Mr. SOUTHARD. I think so, but the question was asked—

Mr. DAYTON. I asked generally in connection with the amalgamation of the line.

Mr. MCFARLAND. That expression about the six months was not perhaps worded as fortunately as it might have been, but I know what was intended by the subcommittee which wrote it. It meant that officers should express their opinion in six months whether they intend to qualify for line duty in addition to engineer duty.

From section six, which allows two years to the class who are compelled to take up line duty, it is evident that the class who have choice would certainly be given longer to prepare as they have been longer out of the Academy doing a different line of work and ought to have plenty of time to prepare. That was the idea when the bill was drawn up.

Mr. FOSS. Are there any more questions on the first section of the bill?

Mr. BUTLER. I move that we proceed to section 2.

Mr. FOSS. Section 2. I read the first paragraph:

SEC. 2. That engineer officers holding the relative rank of captain, commander, and lieutenant-commander shall take rank in the line of the Navy according to the dates at which they attained such relative rank.

Are there any questions to be asked upon that:

Mr. DAYTON. You gentlemen are absolutely sure that will give neither any advantage, but that is a fair and equitable provision for the amalgamation of the line?

Mr. KEY. Yes, sir.

Mr. MCFARLAND. Yes, sir. That was given most careful attention. I know that, being one of the engineer members of the board and the junior engineer on it, I felt that it was incumbent upon me to look out for the older engineers, and I made it my business, as a member of the board, to study that question very carefully and I tried half a dozen different methods to see how they would work in order to phrase a general rule, and this was the one adopted.

Mr. SOUTHARD. That takes in all chief engineers?

Mr. MCFARLAND. No; there are some chief engineers ranking with lieutenants provided for further on, but this rule takes in, you may say, all "war engineers"—all chief engineers who served during the war. There are few who have the relative rank of lieutenant, owing to the block in promotion in the line which has existed so long. This has kept their contemporaries in the line down to the grade of lieutenant, and, as I explained, the engineer officers keep their rank as lieutenant until the officers in the line of the same length of service go to that of lieutenant-commander. That will go down to number 34 in the Naval Register of January 1, 1898.

Mr. KEY. Really these sections, 2, 3, and 4, are assignments of the proper place of the two corps in the amalgamation. That was done by this board, consisting of engineer officers and line officers, and, as has been stated, both the engineer officers and the line officers consider it as being fair.

Mr. DAYTON. And that provision was made by unanimous consent of the whole board?

Mr. MCFARLAND. Yes; this is really a sort of administrative detail to carry out the provisions of section 1.

Mr. BUTLER. This is headed "Engineer Corps, active list." I thought somebody asked the question whether it would not take in some on the retired list.

Mr. MCFARLAND. No; I do not think he asked that. I did not understand so.

Mr. BUTLER. This does not relate to any of the men on the retired list?

Mr. MCFARLAND. This does not touch the present retired list at all.

Mr. BUTLER. And I understand you to say it takes in the active list down to number 34?

Mr. MCFARLAND. The first sentence of section 2 takes in the active list down to number 34. I can get the naval register and mark that all for you if you desire.

Mr. BUTLER. Thank you.

Mr. KEY. I think sections 2, 3, and 4 would have to be taken by the committee on faith largely, because it is simply a matter of amalgamating the two corps; and it was done to the satisfaction of both the line and the engineer officers. I went over it two weeks, going over all the details myself, and I got——

Mr. CUMMINGS. As I understand the situation it is this, the engineer officers take their places according to their number——

Mr. MCFARLAND. Yes, sir.

Mr. CUMMINGS. According to the date when they graduated as engineer officers, those dates being the same as when the line officers graduated?

Mr. MCFARLAND. That is the idea exactly.

Mr. CUMMINGS. It seems to me that that is perfectly fair.

Mr. MCFARLAND. And the reason why it took so many words to express the idea was that there have been several laws under which the engineer officers have entered. For example, one class is provided for here as coming in directly from civil life without any course at the Naval Academy at all. Then there were certain numbers that came in, the ones mentioned between 1868 and 1876, that had a course lasting only two years; and then come the classes beginning with that which graduated in 1878, and they are the ones running from 1878 to 1880. They had a four years' course.

Then, by the act of August 5, 1882, Congress took the cadet engineers and cadet midshipmen and amalgamated them into naval cadets. So the engineer officers were appointed in different ways, and that is why it takes so much space to explain it. You could not make any general rule which would cover all the cases right through, and this was arranged so as to be perfectly fair to both sides, so that nobody would be jumped ahead of his time or get ahead of somebody to whom he should be junior.

Mr. DAYTON. This is embraced in these three sections?

Mr. MCFARLAND. In sections 2, 3, and 4.

Mr. SOUTHARD. Are your promotions based almost entirely upon length of service?

Mr. MCFARLAND. No, sir; I can not say that; but they are, in a way. Practically they are, as they are based on people ahead dying off, or retiring, or getting out of the way; and in the course of nature that does depend upon length of service. In reality it amounts to promotion for length of service; but you could not say that at the end of fifteen years you will be in a certain grade and at the end of twenty-five years you will be in another.

Mr. SOUTHARD. So far as places are made vacant, so that promotions may occur, advancement is made according to length of service?

Mr. MCFARLAND. Certainly.

Mr. CUMMINGS. But the President has the power to advance a man several numbers?

Mr. MCFARLAND. Yes, sir; I believe it has been decided that all the President has to do is to send in a name to the Senate. He could take an ensign and make him an admiral to-day if the Senate would confirm him. Of course that practically has never been the case, because the rules in regard to examinations are always observed.

Mr. CUMMINGS. I have noticed from reading that the President at times on account of heroism and something out of common has advanced a man several numbers.

Mr. MCFARLAND. Yes, sir; that is provided for.

Mr. SOUTHARD. You provide for examinations, and all engineers, before they are transferred to the line, must pass an examination that is below a certain grade.

Mr. MCFARLAND. Yes, sir.

Mr. SOUTHARD. Is there anything in the nature of competition about that examination?

Mr. MCFARLAND. No, sir; that is an examination of qualification. Their positions are assigned. I might say that all those who would have this option are included in the members beginning with the class of 1868 and going down to that of 1883. Now, you will find it is provided here later on that they shall take their places——

Mr. SOUTHARD. They take their places——

Mr. MCFARLAND. As determined by the academic board. I will explain how that is done. At the Naval Academy marks are given in the various studies, and at the end of the course they are summed up, and instead of striking an average they are added together and make what is called a "multiple;" and the one having the highest multiple is number one and so on. The scale on which the marks are based is exactly the same for the line cadets and for the engineer cadets, so that it is perfectly possible to compare them. It was decided by the Attorney-General some years ago that all graduates who entered after 1882 should take precedence according to their merit at graduation.

Mr. SOUTHARD. Is it all based upon multiples they received while in the Academy?

Mr. MCFARLAND. Yes, sir; with one provision, that if a man on a subsequent examination fails and drops down, then he loses his precedence just that much.

Mr. SOUTHARD. But provided he is determined to have the necessary qualifications for promotion, he is promoted notwithstanding his multiple?

Mr. MCFARLAND. Yes, sir; the multiple would not affect it at all. You see the idea is that a man must have a certain mark in order to be graduated, including his final examination. A perfect multiple, including the examination when he comes back after two years, is 1,000. Very few get as high as 900 out of 1,000, and it requires an exceptional man to get such a mark. Then at the end of the six years a man must have at least 625 out of 1,000 to be taken into the service. If he falls below that he is dropped out of the service.

Mr. SOUTHARD. That is 62½ per cent.

Mr. MCFARLAND. If he passes above that and there are vacancies in the service for his class, he will go on the list. Then after that, as things are under the existing law, as long as he passes his qualifying examinations for each grade he would be promoted when the time came.

Mr. SOUTHARD. Notwithstanding there were others below him who served a little less time and had very much larger multiples?

Mr. MCFARLAND. Yes, sir. I see the point you wish to make now. If you will take the Naval Register and see the order in which any given 20 men, say, stand, provided each one passes the qualifying examination as he gets to it, they will always stand in the same order in the service.

The idea is that the last man of one class is always just ahead of the first man of the next. That last man may have received just 62.5 per cent. The first man of the next class may have over 90 per cent, and yet if both pass the subsequent qualifying examinations the last man will always be one number ahead of the other man in every grade. So that does answer your question that promotion, to a great extent, is dependent upon the length of service. I did not quite catch what you meant at first.

The CHAIRMAN (reading):

Engineer officers graduated from the Naval Academy from eighteen hundred and sixty-eight to eighteen hundred and seventy-six, both years inclusive, shall take rank in the line next after officers in the line who graduated from the Naval Academy in the same year with them: *Provided*, That when the date of a line officer's commission as captain, commander, or lieutenant-commander and the date when the engineer officer attained the same relative rank of captain, commander, or lieutenant-commander are the same, the engineer officer shall take rank after such line officer.

Mr. BUTLER. Mr. Cummings's question puts that right. Now, I would like to ask these gentlemen this question: Why were those two years selected?

Mr. MCFARLAND. Because they include all the engineer officers who came in under a particular rule. The ones mentioned in the first sentence of section 2 were all appointed directly into the Engineer Corps from civil life, but in 1866 a class of what were known as acting third assistant engineers was sent to the Naval Academy and graduated in 1868. They were the first engineer graduates of the Naval Academy. Then, running down to the class which graduated in 1876, there were a number of engineer classes there, all of whom were only two years at the Naval Academy. Now, inasmuch as their course was not through the whole term of four years it was not possible to compare their multiples directly with the multiples of the line officers who graduated at the same time in the same way that can be done with the four-year men; and therefore this provision was made that they should take rank next after the officers of the line of that same class.

Mr. FOSS. About how many cases would this transfer apply to?

Mr. MCFARLAND. In round numbers, about 25.

Mr. BUTLER. I want to ask Mr. McFarland a question. Suppose you and Lieutenant Key graduated in the same class, you graduated as an engineer and Mr. Key graduated as a midshipman; upon this consolidation you would rank immediately behind him?

Mr. MCFARLAND. Under this section that is being discussed now—yes, sir.

Mr. BUTLER. The marks that you made as engineer and the marks he made in his studies would have nothing to do with ranking you?

Mr. MCFARLAND. No; because they are not strictly comparable. You see the cases were very different. The engineers were there for two years and the midshipmen were there for four years, and therefore they are not comparable. I will say, however, that two of the engineers on the board were officers in exactly that category, so they were right there and knew exactly how it affected them.

Mr. BUTLER. Why did you limit the engineer officers between 1868 and 1876?

Mr. MCFARLAND. Because they were the only two-year men.

Mr. BUTLER. Up to 1876?

Mr. MCFARLAND. Yes, sir. Section 3 then takes up another set, which includes myself.

Mr. FOSS. I will now read section 3:

SEC. 3. That engineer officers who completed their Naval Academy course of four years from eighteen hundred and seventy-eight to eighteen hundred and eighty, both inclusive, shall take rank in the line as determined by the academic board, under the Department's instructions of December first, eighteen hundred and ninety-seven, and engineer officers who completed their Naval Academy course of four years in eighteen hundred and eighty-one and eighteen hundred and eighty-two shall take rank in the line as determined by the merit roll of graduating classes at the conclusion of the six years' course, June, eighteen hundred and eighty-three and eighteen hundred and eighty-four.

Mr. MCFARLAND. Perhaps you had better stop there—

Mr. CUMMINGS. That covers just what was not covered by the two years' course. It takes the men according to the multiples the same as the line officers?

Mr. MCFARLAND. Exactly.

Mr. KEY. You could not have anything more fair than that; it is just according to the multiple.

Mr. BUTLER. According to their merit they have rank?

Mr. KEY. Yes, sir.

Mr. BUTLER. The men up to 1876 were not ranked according to merit?

Mr. MCFARLAND. No; because they could not be.

Mr. BUTLER. But under this section they are ranked according to merit?

Mr. MCFARLAND. Yes, sir.

Mr. FOSS (reading):

Provided, That those engineer officers who were appointed from civil life, and whose status is not fixed by section two of this act, shall take rank with other line officers according to the dates of their first commissions, respectively.

Mr. MCFARLAND. I suppose you would like to know to whom that refers.

Mr. FOSS. About how many?

Mr. MCFARLAND. There are about 11.

Mr. CUMMINGS. How did these men come to be taken from civil life?

Mr. MCFARLAND. Up to the act of August 5, 1882, although the bulk of the engineers after 1866 were obtained from the Naval Academy, there was still a provision that any young man possessing the necessary qualifications might appear before the naval examining board, on proper certification from the Department, of course, and should he pass an examination of qualification could be appointed as an assistant engineer. There were originally, I think, 13 appointed at one time, of whom there are now only 3 left——

Mr. BUTLER. Then there are but 3 to be considered here?

Mr. MCFARLAND. There are some others, making about eleven in all. This special section which has just been read also covers a few officers who served during the war and for one reason or another dropped out a short time and came in again behind the first Naval Academy engineers. I suppose you know Mr. Perry, who was Commodore Melville's assistant. He served during the war and resigned to go into civil life. When he came back into the service he had to go to the foot of the list and be put behind the first Naval Academy men.

Mr. BUTLER. These men will rank with the line officers, step in immediately behind them, provided their commissions are of the same date, irrespective of the fact that they did not graduate at Annapolis?

Mr. MCFARLAND. Yes, sir. This is another case of perfectly fair dealing; you could not do any better for anybody than when two men get a commission at the same time, one in the line and the other as assistant engineer to start them on the same footing, and that is perfectly fair.

Mr. FOSS (reading):

And provided further, That the engineer officers who completed their Naval Academy course of four years in eighteen hundred and eighty-one and eighteen hundred and eighty-two shall retain among themselves the same relative standing as shown on the Navy Register at the date of the passage of this act.

Mr. MCFARLAND. The reason for that I can explain. This is only one of the cases that are complicated. Those two classes, 1881 and 1882, were two classes of cadet engineers who were at sea when the act of August 5, 1882, passed. These men were amalgamated and made line cadets, and of course some of them had only a few months and others had a year or more of the new duty before final examination. These young men claimed that under the existing law they should not have been amalgamated, because when they left the Naval Academy they had graduated finally and did not have to come back for examination at the end of two years. The courts finally sustained that view. As they believed that was the case, when they came up to Annapolis for their examination at the end of the six years, most of them did not make much effort to pass in the line branches.

Mr. KEY. This was particularly true of those who knew they would be

dropped from the Navy, because the bill also had a provision that if there were not enough vacancies they should be dropped, so nearly all would be dropped under the bill.

Mr. MCFARLAND. So they did not make much effort to pass in the line branches, and the result is were placed on this precedence list according to the multiples at final graduation, which puts the whole crowd of them down below the line officers of their date. It being contended by these officers that they ought not to have been put to this examination and that their multiple for four years was what ought to settle their standing, this proviso was put in, and it is perfectly satisfactory to the officers who are concerned.

Mr. FOSS. To how many does it apply?

Mr. MCFARLAND. This applies to a comparatively small number; about eighteen.

Mr. BUTLER. Eighteen engineers?

Mr. MCFARLAND. Yes, sir.

Mr. FOSS. Do these two sections provide completely for the amalgamation—sections 2 and 3?

Mr. MCFARLAND. The first section provides for a complete transfer, and these sections simply provide how the engineers shall stand in the new line. In other words, they cover the details necessary to carry out the intent of section 1.

Mr. KEY. How they shall rank in the line.

Mr. MCFARLAND. I might explain the reason why nothing is said about how the officers below these shall rank. Under the decision of the Attorney-General of June 28, 1894, they are ranked and put in the register, and necessarily will go in that position. You see here [pointing to Navy Register], this is the order of precedence, and that covers all the rest of the present engineers. You will notice that all the engineers after those specified in sections 2 and 3, and their standing with reference to the line officers in the service, are provided for in the table of precedence on page 123 of the Naval Register for January 1, 1898, and they, of course, will go into the new line in exactly that position, so it was not necessary to make any special provision for them.

Mr. FOSS. And that order of precedence was decided by the Attorney-General June 28, 1894?

Mr. MCFARLAND. Yes, sir.

Mr. FOSS (reading):

SEC. 4. That engineer officers transferred to the line who are below the rank of commander, and extending down to, but not including, the first engineer who entered the Naval Academy as cadet midshipman, shall perform sea or shore duty, and such duty shall be such as is performed by engineers in the Navy, except watch duty in the engine room: *Provided*, That any officer described in this section may, upon his own application, made within six months after the passage of this act, be assigned to the general duties of the line if he pass the examination now provided by law as preliminary to promotion to the grade he then holds, failure to pass not to displace such officer from the list of officers for sea or shore duty such as is performed by engineers in the Navy.

SEC. 5. That engineer officers transferred to the line to perform engineer duty only who rank as, or above, commander, or who subsequently attain such rank, shall perform shore duty only.

SEC. 6. That all engineer officers not provided for in sections four and five transferred to the line shall perform the duties now performed by line officers of the same grade: *Provided*, That after a period of two years subsequent to the passage of this act they shall be required to pass the examinations now provided by law as preliminary to promotion to the grade they then hold, and subject to existing law governing examinations for promotion.

Mr. DAYTON. The first provision in section 4 is that those who are below the rank of commander shall perform sea or shore duty as is performed by engineers in the Navy, except down to the first engineer

who entered the Naval Academy as a cadet midshipman. Now, will you explain why that distinction is made?

Mr. MCFARLAND. It is simply because, as we were talking about it a little while ago, these transferred engineer officers who will rank as commanders and captains can not very well go to sea, because they are not to qualify for command. It would raise the very point Mr. Southard spoke of—that you might have a man on duty in a subordinate position who is considerably senior to the man who was actually in command, and therefore they will be assigned to shore duty only.

Mr. KEY. That is very largely the case now, too.

Mr. MCFARLAND. Then the second section covers those engineers in the grades of lieutenant-commander, lieutenant, and a few junior lieutenants; and they are to have the option of qualifying for all duties of the new line officers, or if they do not so qualify then they are to continue to perform engineering duties only; while younger men, who entered as cadet midshipmen, will be compelled to qualify for the duties of the new line within two years after the passage of the act.

Mr. DAYTON. How many of those will do shore duty under section 5?

Mr. MCFARLAND. That will be a comparatively small number, I think; probably the number will not exceed thirty.

Mr. DAYTON. Now, you provide here in section 4 that you except watch duty in the engine room. Will you explain that?

Mr. MCFARLAND. The reason is that there will be a comparatively small number of these officers, and when they are ordered to perform engineering duties, it will be as chief engineers. Watch duty is to be performed by the younger officers of the new line.

Mr. DAYTON. Under sections 5 and 6, to see if I understand it, by the provisions of those two sections, first the engineer, who expresses his wish and takes the proper examination, can be under extraordinary circumstances assigned to line officers' duty?

Mr. MCFARLAND. If he passes the examination he would be perfectly eligible, would become one of what you might call the "line officers of the future," and would ultimately attain the command of a ship.

Mr. DAYTON. Say at the end of two years he passes that examination, then he is entitled to——

Mr. MCFARLAND. Then he goes on the list for general line duty.

Mr. DAYTON. If they do not pass the examination will they remain on engineer's duty until they get on the retired list?

Mr. MCFARLAND. Yes, sir; that is the idea. There will always be a certain amount of engineering duty to be performed.

Mr. DAYTON. There will be no substantial change for two years?

Mr. MCFARLAND. There will probably be none at all for two years in the duties.

Mr. SOUTHARD. It says here:

And extending down to, but not including, the first engineer who entered the Naval Academy as cadet midshipman——

Mr. MCFARLAND. It takes all the officers who entered as cadet engineers. When I went to the Naval Academy in 1875 I entered by competitive examination held at the Naval Academy where there were some 125 candidates, and 25 were selected out of that number.

Mr. SOUTHARD. It says here:

And extending down to, but not including, the first engineer who entered the Naval Academy as cadet midshipman.

Mr. MCFARLAND. Because that was the title that preceded "naval cadet." It might just as well have said, "down to and including the last who entered as cadet engineer." It would be the same thing.

Mr. SOUTHARD. Do they enter as midshipmen now?

Mr. MCFARLAND. They are called naval cadets. The act of August 5, 1882, which abolished the separate corps of cadet engineers also changed the title from "cadet midshipman" and "cadet engineer" to "naval cadet." Section 4 gives the option to qualify for general line duties to all the engineer graduates of the Naval Academy who entered as engineers.

Mr. SOUTHARD. And that expression is just as forcible and explanatory as the one used in the section——

Mr. MCFARLAND. Yes; because in this case of Mr. McKean we did not want to mention the name, and if the bill did not pass until some time after July there would be a new register, and we could not say "number so and so;" and as we did not want to mention any name the phraseology used makes it perfectly clear.

Mr. CUMMINGS. I want to get one point, and that is this: Are all the line officers now engineers or have they all taken a course in engineering?

Mr. MCFARLAND. They have had a certain course in engineering, but not so elaborate as they will have after this bill goes into effect. That is well understood, and was so explained by Mr. Key.

Mr. CUMMINGS. Does it provide any particular examination of the line officer?

Mr. MCFARLAND. Engineering is now included in their examinations for promotion. That is a point, a very proper one, and one that would naturally come up. The reason nothing was said in the bill about requiring the line officers to qualify in engineering is because their examinations for promotion now require one in engineering, and it is only necessary to raise the standard of that examination to correspond to the new requirements.

Mr. CUMMINGS. I hope that will be put in, because they will ask that question on the floor of the House surely.

Mr. FOSS. Would you like to say anything on these sections [to Mr. Key]?

Mr. KEY. No, sir; I have nothing to offer on these sections.

Mr. MCFARLAND. That is entirely in the hands of the Department. It is an administrative detail, and was not mentioned for the same reason that there was nothing said about the change in the course in engineering at the Naval Academy. We had that under discussion and had the Superintendent of the Academy before the board. The whole subject was discussed very thoroughly, and it was decided not to go into it in the bill because it was an administrative detail.

Mr. FOSS. And you just leave it to the Department?

Mr. MCFARLAND. Originally, when they started the course at the Naval Academy, there was not much taught about electricity. Electricity was a comparatively insignificant thing. It was not considered necessary to pass an act of Congress authorizing the increase of the course in physics in order to have a more elaborate study of electricity, dynamos, and matters connected with electric lighting. So it is with this question. The course at the Naval Academy must be increased and improved to meet the new order of things.

Mr. FOSS. Are there any questions to be asked on section 5?

Mr. BUTLER. That means, as I understand it, all the engineer officers who do not subsequently attain such rank shall perform all service at sea?

Mr. KEY. Not all service at sea, but shall be available both for sea and shore duty.

Mr. FOSS. We will now proceed with section 7. Section 6 has been explained.

SEC. 7. That the active list of the line of the Navy, as constituted by section one of this act, shall be composed of eighteen rear-admirals, seventy captains, one hundred and twelve commanders, one hundred and seventy lieutenant-commanders, three hundred lieutenants, and not more than a total of three hundred and fifty lieutenants (junior grade) and ensigns.

Mr. DAYTON. I want to ask these gentlemen to indicate how many of those different grades there are now, including the engineers and the line officers, the number of each that would come within that provision. I simply ask it because it will be asked of us how much of an increase it will be.

Mr. MCFARLAND. You want to know what the sum of the numbers is in each grade of the two corps at present?

Mr. KEY. The flag grade really in the line to-day is 16, and this makes it 18; that is an increase of 2.

Mr. CUMMINGS. It is 16 admirals and commodores to-day?

Mr. KEY. Yes, sir.

Mr. CUMMINGS. And this bill makes a commodore an admiral?

Mr. MEYER. I want to ask this question, Why do you constitute the temporary rank of commodore when a man commands two or more ships? Is it in view of keeping in the Navy an equivalent rank or grade to brigadier-general of the Army?

Mr. KEY. It is partly that, and you might say also for retiring purposes, so that when a captain is retired with the rank and pay of the next higher grade he would have this intermediate grade of commodore instead of being retired with the pay of an admiral. He would get, so far as retirement laws were concerned, this intermediate grade. It is meant to provide also for a captain placed in the command of a squadron. Such a command might devolve upon him in some far-away South Atlantic station, and he ought to have the increased rank with the increase of responsibility. It is the same thing which obtains in some foreign navies. They have a special grade for special purposes, just as we propose in this bill.

Mr. MEYER. Does he, in holding the position, receive the pay of commodore?

Mr. KEY. Yes, sir; the rank and pay.

Mr. DAYTON. In other words, if he is captain he has charge of one vessel, and if he is charged with three or four there ought to be a distinction between him and the man who has only charge of one vessel.

Mr. KEY. Yes, sir; he has a greater responsibility. Now there are 45 captains of the line and 10 engineers.

Mr. MCFARLAND. I have allowed one flag rank, the engineer in chief.

Mr. MEYER. There are 11.

Mr. MCFARLAND. General Meyer is right; there are 11 on the list, one being the engineer in chief.

Mr. KEY. I will say there are 45 in the line and 10 in the Engineer Corps.

Mr. BUTLER. Now this bill runs it up to 70, 15 additional. Is that by reason of the new boats?

Mr. KEY. The increase in the Navy; we have a large number of new ships which are captains' commands.

Mr. BUTLER. Suppose we double our Navy as we have now. That will be a large increase?

Mr. KEY. Yes.

Mr. CUMMINGS. That would come in the naval appropriation bill.

Mr. MEYER. The other day, in conversation with Commodore Melville, he stated that under this bill he was making a sacrifice; that he could not be retired with a grade higher than that of captain, while the general impression is that this bill would eventually make him, as it ought to make him in my judgment, an admiral.

Mr. MCFARLAND. He was right. The point is—you were out of the room when there was an explanation of the positions in the list taken by the older engineers. This bill provides that they shall go on the list according to the date when they attained the relative rank of captain, commander, or lieutenant-commander. It so happens that the promotion of the engineers who are now on the list of chief engineers with the relative rank of captain has happened to come in such shape that it puts them all rather low down on the list. I think Commodore Melville would be found to be about number 35; but I am not sure of the number; however, it is somewhere near that. Even at the rate of promotion provided in the bill and the fact that he is a comparatively young man for his position in the Engineer Corps, he would still stand almost no show of getting out of this grade of captain, and in all probability would retire in that grade.

Mr. KEY. There are 85 commanders in the line and 15 in the Engineer Corps.

Mr. CUMMINGS. That is an increase of 12 in this bill. Now for lieutenant-commanders.

Mr. KEY. There are 74 in the line and 8 in the Engineer Corps.

Mr. MCFARLAND. I ought to say that if this act had happened to come up a few years ago there would have been a much larger number of lieutenant-commanders in the Engineer Corps. It is simply owing to the fact I have referred to several times that the engineer officers' relative rank depends upon that of the line officers with whom they rank, so that the number of lieutenant-commanders in the Engineer Corps varies. The total number of chief engineers below the rank of commander is 45, but they might be lieutenant-commanders or lieutenants, depending upon the state of promotion in the line.

When I entered the service, in 1875, all the lowest grade of chief engineers had the rank of lieutenant-commander, because promotions at that time in the line had been very rapid; but in the last ten or twelve years there have been relatively few promotions in the line, so that has held the engineers back.

Mr. CUMMINGS. Let us get this in specific words, so that we can answer this in the House. This is an increase here in the number of lieutenant-commanders of 58?

Mr. MCFARLAND. Yes, sir.

Mr. CUMMINGS. We will be asked why that increase is made and so small an increase in the other ranks.

Mr. MEYER. Is not that a mistake; is it not increased more than 58?

Mr. MCFARLAND. It is 88.

Mr. MEYER. How many are there now; 82?

Mr. MCFARLAND. Yes, sir.

Mr. MEYER. It is increased to 170?

Mr. MCFARLAND. Yes, sir.

Mr. CUMMINGS. Just give us in the plainest language you can the reasons for that increase, because we will have to answer it.

Mr. KEY. The reason the board recommended that increase was that the lieutenant-commander's grade is supposed to be the executive offi-

cer's grade, that is, the executive officer of a ship commanded by a captain or commander should have the rank of lieutenant-commander. In making the number of captains and commanders you see there are 70 captains and 112 commanders, 182 in the two grades; and so to have an executive officer for each, you should have 182 lieutenant-commanders, but we cut them down to 170, 12 less than that number.

The reason in the service for having a separate grade for the executive officer's grade is, first, the duty, which is entirely distinct from that of a subordinate officer. He is next in rank to the captain. He is charged with carrying on the routine duty of the ship; he is responsible for the efficiency of the ship, the carrying out of all drills, and seeing all the regulations of the ship are enforced, under the captain. He does not stand watch, but he looks out for the ship's organization, so it is very necessary to have a separate grade for the executive officer's grade.

Mr. MEYER. Is there not another reason, too, that it would be beneficial to the service in giving the practical experience necessary for command more readily than almost any other way in preparing the officer better to assume command?

Mr. KEY. Undoubtedly an officer should make a cruise as executive officer if possible.

Mr. CUMMINGS. The next question that will be asked in the House, in my opinion, is this: How is it that you have got along with this number which you have up to the present time?

Mr. MCFARLAND. By making people in the lower grades do the work. The necessities of the service and the responsibilities coming on the officers who have to do this work justify their having this rank.

Mr. CUMMINGS. I have been told it was true that a mate was executive officer of one of these vessels detailed to the Fish Commission?

Mr. MEYER. It is true, and I know it to be a fact, that a boatswain was on a Fish Commission vessel.

Mr. KEY. There is another important point about that same question, if you should put all of these officers in the lieutenant's grade. The length of time an officer will serve between promotions depends upon the number in the grade. If you make 500 lieutenants, you will keep an officer in that grade, say, for about twenty years, and he goes twenty years without any examination, gets no promotion, and it knocks the life out of him. It is a good thing for the service to give a man an examination and overhauling at proper intervals and promote him. Of course it increases the efficiency of the service to give him this periodical examination and, as he gets new duties, to give him promotion commensurate with the duties.

Mr. CUMMINGS. One of the main reasons is this: You believe you should have the requisite number of officers to perform the duties required of such officers without going to the lower grades and sending them up?

Mr. MCFARLAND. Exactly. That is the idea.

Mr. MCFARLAND. You have made the comparison thus far with the numbers actually on the list now and in this particular grade of lieutenant-commander. That happens to be unfortunate as showing an apparently abnormal increase, simply, as I explained, because the number of chief engineers ranking as lieutenant-commanders at the present time is abnormally low. In a few years, even under existing conditions, there probably would be a much larger number of chief engineers ranking with lieutenant-commander, and if the comparison had been

made five or ten years ago the result would have been the same—not as great an increase. But suppose you permit me to go on and give the numbers.

Mr. CUMMINGS. I want the stenographer to get this in before there. One reason I asked this with regard to the number of officers was this: I heard that on the *Chicago* Lieutenant Scheutze was performing the duties of watch officer, and on the other side of the ship at the same time was an ensign just graduated from the Naval Academy performing the same duties.

Mr. MCFARLAND. That is very likely; not only on that ship, but it is true with every ship in the service.

I want to suggest, for your consideration, a comparison of the numbers in the bill under discussion with the numbers that would be obtained by taking the numbers on the list of line officers of the Navy in 1881, before the act of August 5, 1882, which reduced the numbers, and adding the numbers that were recommended, in what is known as the Wilson bill, for the Engineer Corps, which was a bill to provide for about such a condition of affairs as we would have now if the Engineer Corps were kept separate. The aggregate of the numbers in the line in 1881 and the number recommended for engineers by the Wilson bill would be as follows:

	Line in 1881 and engineers by Wilson bill.	New bill.
Flag rank.....	38	18
Captain.....	65	70
Commander.....	114	112
Lieutenant-commander (the one grade in which there is really any increase over what has been proposed before).....	130	170
Lieutenant.....	370	300
Lieutenant (junior grade) and ensign.....	320	350

That is, the new bill asks for fewer in the higher grades and more in the lower. The great point about these lieutenant-commanders is that a larger number of the officers of that rank are absolutely needed for the requirements of the service.

Mr. CUMMINGS. That is one branch of the service which is deficient?

Mr. MCFARLAND. Yes, sir; and it has been for a long time.

Mr. KEY. Several years ago they had an ample number. That was twelve or fifteen years ago.

Mr. MCFARLAND. More than that. I think it was about twenty-five years ago.

Mr. CUMMINGS. Why did it fall off?

Mr. MCFARLAND. The number was reduced in one of the periodic reductions. There was another one before the one of 1882. In 1882, you know, each branch of the service was somewhat reduced. One hundred members were cut out of the Engineer Corps at that time, and also 100 out of the line.

Mr. CUMMINGS. Your statement is that under the present system the Navy Department is inefficient—I will not say inefficient——

Mr. MCFARLAND. Not inefficient.

Mr. CUMMINGS. Not as efficient as it ought to be, owing to the lack of lieutenant-commanders?

Mr. MCFARLAND. Yes, sir.

Mr. CUMMINGS. And it ought to have been rectified years ago, instead of now?

Mr. MCFARLAND. Yes, sir; you put it admirably.

Mr. SOUTHARD. There are two grades left that were not answered.

Mr. MCFARLAND. The grades left were lieutenant, lieutenant (junior grade) and ensign. The new bill provides for 300 lieutenants, and the sum of the numbers in the line and Engineer Corps on the active list at present is 322.

Mr. CUMMINGS. So it reduces the number in this grade?

Mr. MCFARLAND. It reduces the number, because it increases the number of lieutenant-commanders. The number of lieutenants (junior grade) and ensigns in the line and Engineer Corps at the present time is 345.

Mr. DAYTON. And the bill provides for how many?

Mr. MCFARLAND. Three hundred and fifty.

The CHAIRMAN (Mr. FOSS). Then we have finished the first paragraph of section 7?

Mr. MCFARLAND. Suppose we finish this section [reading]:

That the chiefs of the Bureaus of Medicine and Surgery, Supplies and Accounts, and Construction and Repair shall have the relative rank of commodore while holding such positions, and shall have, respectively, the titles of surgeon-general, paymaster-general, and chief constructor.

That is exactly what the law provides now.

Mr. SOUTHARD. I understand that these people want rank also?

Mr. MCFARLAND. I can not say positively as to that point. I think they ought to want it, but when the engineers started in on the statement of their case before the board, we were met by the statement of the Assistant Secretary of the Navy that the Surgeon-General had said he did not want any change. I doubt if he represents his corps entirely in this view.

Mr. SOUTHARD. In case you give these fellows rank, then you must have the whole line qualified in medicine and surgery?

Mr. MCFARLAND. I think amalgamation will hardly go so far as that. There is a limit to the absorptive powers of everybody. I do not think that would be expected.

At this point (2.15 p. m.) the committee took a recess until 3.45 p. m.

AFTER RECESS.

Mr. MCFARLAND. With respect to the grade of commodore, which is omitted from the active list of the line under the provisions of the bill, it is retained for the officers who fill the position of chief of bureau, and also for the case where a captain is in command of a small squadron. It is retained for purposes of retirement, as it was not believed desirable that a captain when retired, in order to make the necessary promotions, should be retired as an admiral.

Mr. DAYTON. In line with my idea of information that would be needed to take these different grades in the line and in the Engineer Corps, please state the salaries paid to different grades in the active list and also in the retired list, or state the principle by which they are retired and at what rate, because that will be asked us on the floor of the House.

Mr. MCFARLAND. That is given here in the navy pay table. The retired pay is three-fourths of the active list pay, and the pay table is right here. It gives the pay for each officer in every case.

Mr. DAYTON. I want you to incorporate it in this, because, while the Members will have these hearings, hardly any of them will have the Naval Register or the information unless it is embraced in these hearings.

The CHAIRMAN (Mr. Foss). Also at the same time I wish you would take a Naval Register and mark out or show on it——

Mr. MCFARLAND. Those different sections of the engineers?

The CHAIRMAN. The operations of these sections, you know, so that we can say, for instance, this paragraph affects these fellows over here, down [indicating].

Mr. MCFARLAND. Yes, sir.

Mr. DAYTON. I do not want to know the salary of each man, but the salary of each grade.

	At sea.	On shore duty.	On leave or waiting orders.
Rear-admirals	\$6,000	\$5,000	\$4,000
Commodores	5,000	4,000	3,000
Captains	4,500	3,500	2,800
Commanders	3,500	3,000	2,300
Lieutenant-commanders:			
First four years after date of commission	2,800	2,400	2,000
After four years from date of commission	3,000	2,600	2,200
Lieutenants:			
First five years after date of commission	2,400	2,000	1,600
After five years from date of commission	2,600	2,200	1,800
Lieutenants (junior grade):			
First five years after date of commission	1,800	1,500	1,200
After five years from date of commission	2,000	1,700	1,400
Ensigns:			
First five years after date of commission	1,200	1,000	800
After five years from date of commission	1,400	1,200	1,000
Chief engineers:			
First five years after date of commission	2,800	2,400	2,000
Second five years after date of commission	3,200	2,800	2,400
Third five years after date of commission	3,500	3,200	2,600
Fourth five years after date of commission	3,700	3,600	2,800
After twenty years from date of commission	4,200	4,000	3,000
Passed assistant engineers:			
First five years after date of appointment	2,000	1,800	1,500
Second five years after date of appointment	2,200	2,000	1,700
Third five years after date of appointment	2,450	2,250	1,900
Fourth five years after date of appointment	2,700	2,350	1,950
Engineers:			
First five years after date of appointment	1,700	1,400	1,000
After five years from date of appointment	1,900	1,600	1,200

When you ask for the salary you want the salary as it exists now?

Mr. DAYTON. Yes, sir. There will be no change made by this bill.

Mr. MCFARLAND. The bill proposes to pay the Navy at the same rate as the Army.

The CHAIRMAN (Mr. Foss). That had better come in later, because we want to know the salaries of the Army in the corresponding grades.

Mr. DAYTON. Yes; and to know what the change will be.

The CHAIRMAN (Mr. Foss). We now come to section 8, which is as follows:

SEC. 8. That officers of the line in the grades of captain, commander, and lieutenant-commander may, by official application to the Secretary of the Navy, have their names placed on a list which shall be known as the list of "Applicants for voluntary retirement," and when at the end of any fiscal year the average vacancies for the fiscal years subsequent to the passage of this Act above the grade of commander have been less than thirteen, above the grade of lieutenant-commander less than twenty, above the grade of lieutenant less than twenty-nine, and above the grade of lieutenant (junior grade) less than forty, the President may, in the order of the rank of the applicants, place a sufficient number on the retired list with the rank and three-fourths the sea pay of the next higher grade, to cause the aforesaid vacancies for the fiscal year then being considered.

Mr. DAYTON. As I understand, this is the provision for voluntary retirement?

Mr. McFARLAND. Yes, sir.

Mr. DAYTON. Now, I want you to state what the consensus of your board and of the naval officers generally is as to the practical working of this section, and the probable number of those who will apply for retirement, and the reasons that will actuate them to do that thing; and in that connection explaining the benefits that will be derived from being on the retired list, both personal and in a pecuniary way—I understand there are benefits—and what is required of a retired officer.

Mr. McFARLAND. Really section 8 and section 9 can be discussed together.

Mr. DAYTON. One is the voluntary and the other is the involuntary.

Mr. McFARLAND. Yes, sir; section 8 covers the voluntary and section 9 the compulsory retirement, both having the same object.

Mr. DAYTON. I think it will be wise to show the advantages, for instance, to a person having a family and who will stay on shore and transact business. I think it wise to show that that voluntary clause is put there to obviate the apparent hardship that so many feel on account of the involuntary retirement.

Mr. McFARLAND. In the first place, it is well to state why the board considered any such provision as this necessary at all.

The CHAIRMAN. Please state it in your own way.

Mr. McFARLAND. I may say, first of all, that for some years past in the line of the Navy, and prior to that time in the Engineer Corps, there has existed what is commonly known as stagnation in promotion. It occurs from the fact that a large number of officers entered the service at the same time, of about the same age, and they have gone up the list together. Of course, when they got past the lieutenant's list, which is a large one, and into the higher grades, where the numbers are small, those occupying these larger lists are only a very little younger than the people a very little above them. For example, Captain Evans, whom you all know by reputation, is actually only a year or two older than many of the lieutenants, although he is a captain and they are lieutenants, three grades below him.

The result has been that people in these lower grades are spending all their lives in a subordinate position and getting really too old to perform with the highest efficiency the duties of those grades; and when they come to the upper grades, as they will eventually, they are still older, and really their life, vim, and energy are all gone. So it has become evident to all officers who have studied the requirements of our own service and the practice of foreign navies where they have been studying this same question, that something must be done to create what might be called a healthy flow of promotion. In other words, some system must be devised which will get officers out of these subordinate grades before they are too old to do the work properly there and before they are too old to take hold properly of the work of the higher grades. There are a number of methods by which this might be done.

The CHAIRMAN. Before going into the methods could you show by the Naval Register there just where this so-called——

McFARLAND. Hump is?

The CHAIRMAN. Yes, the hump. Because that is an important matter.

Mr. BUTLER. As I understand it the hump is a place where it clogs.

Mr. McFARLAND. That is it.

Answering the question of the chairman as to the place in which the

stagnation occurs, I would say that it comprises the classes who entered the Naval Academy during the civil war and shortly after and runs approximately from the top of the commanders' list down to and including about the first 70 lieutenants.

Mr. BUTLER. May I ask you a question there?

Mr. MCFARLAND. Certainly.

Mr. BUTLER. Mr. McFarland, about how many men are clogged in the hump? Just give a rough guess.

Mr. MCFARLAND. Well, it is something over 200.

Mr. BUTLER. And the object, or one of the objects, of this bill is to relieve that hump?

Mr. MCFARLAND. Yes, sir; and to prevent such an occurrence in the future.

Mr. BUTLER. Such a clogging?

Mr. MCFARLAND. Yes, sir. Under existing law, if nothing is done this clogging will last perhaps ten or twelve years. Then these people who now form the hump will all go on the retired list with a rush. You will get another great stimulation of promotion, you will fill all the higher grades with another lot of young men, and then, in ten or fifteen years after that first relief, there will be another stagnation, just as it has been before.

Mr. BUTLER. Men may retire voluntarily under this bill?

Mr. MCFARLAND. Yes, sir.

Mr. BUTLER. At an earlier age?

Mr. MCFARLAND. Yes.

Mr. BUTLER. If they see fit to do that, that will relieve the hump, in part?

Mr. MCFARLAND. Yes.

Mr. BUTLER. If not, the best ones are culled out for promotion?

Mr. MCFARLAND. No; the ones that are least fitted are culled out for retirement. I intended to speak of that in a few minutes.

Mr. DAYTON. Let us return to the explanation that you make in regard to the reasons that led to the retired list, and then the effects of the voluntary feature of the retirement.

Mr. MCFARLAND. Continuing my explanation of the method of relieving the stagnation and of securing officers of the proper age in the various grades, I may say that in the English navy this is accomplished by chance—that is, there is an age limit fixed in each grade, and, if an officer does not get out of the grade by the time he attains this age, he is retired. This has the radical defect that, as it operates entirely by chance, the officers of greatest ability stand the same show exactly of being retired as those of much less ability.

In the French navy there is a different system followed, whereby the ablest men, selected by a board of the higher officers, are promoted out of their turn as far as seniority is concerned, and in this way the officers of the highest grades are kept at a comparatively moderate age; but this has the defect of leaving in the service any ill feeling that might be created in consequence of these promotions.

The method that has been proposed and is treated of in section 9 avoids this difficulty by simply selecting to go on the retired list the officers who are considered least fit, leaving the others to be promoted by seniority. In the long run the effect is exactly the same on the highest grade as if the brightest men had been selected out of their turn to be promoted. But the proposed plan has the great advantage that those officers who are selected to be retired, and who may possibly feel disappointed and disgruntled, are placed on the retired list and get

out of the active service, taking their grievance, if they have any, with them.

Now, answering specifically the query of Mr. Dayton as to the voluntary retirement: This provision for selecting a certain number of officers to be retired is necessary because the lower grades must, from the very nature of the service, have a larger number of officers in them for the ordinary performance of duty than can all be promoted to the higher grades with any system of promotion which would allow them to reach these grades in time to render efficient service in them. Consequently, unless there are casualties of some sort, vacancies must be created either by officers going on the retired list voluntarily or by their being placed there by executive action.

Section 8 provides that a limited number of officers may be placed on the retired list on their own application, in case the number of promotions in the different grades does not reach a certain minimum specified in that section.

It will be understood, of course, that in the same way as under existing law officers on the retired list receive three-fourths of the pay they would have received had they remained on the active list. It will be noted also that the grades in which officers may voluntarily retire are those of captain, commander, and lieutenant-commander, which insures that no man can take advantage of this provision for voluntary retirement until he has rendered a considerable amount of service to the Government. The amount will be at least twenty years.

Mr. DAYTON. That does not take in lieutenants?

Mr. MCFARLAND. Not the voluntary; the compulsory retirement does take in lieutenants. The voluntary, section 8, includes captain, commander, and lieutenant-commander, but the compulsory comes down and also includes lieutenant in section 9. That is, nobody would be retired except for physical disability, or something like that, below lieutenant, and the idea was that, even in that grade, there could only be two.

(Mr. Meyer entered.)

The CHAIRMAN (Mr. Foss in the chair). Mr. Meyer, this is on section 8.

Mr. BUTLER. Survival of the fittest?

Mr. MCFARLAND. That is the idea exactly.

Mr. BUTLER. It involves that principle?

Mr. MCFARLAND. Yes, sir.

Mr. DAYTON. Before we pass from the legitimate sequence that is in my mind, I want to ask you the causes leading to retirement under ordinary circumstances. What would be the basis; of course you can not tell absolutely, but relatively what would be the causes that would actuate a board in retiring a person? Would there be simply and alone the element of mental qualification, and bravery, and so forth, or would it involve the physical qualifications?

Mr. MCFARLAND. Under the proposed bill?

Mr. DAYTON. Yes.

Mr. MCFARLAND. Under the proposed bill, the idea is that, when officers are to be selected for compulsory retirement, the board is to take their whole record and consider everything.

Mr. DAYTON. Does that include physical qualities?

Mr. MCFARLAND. Yes, sir; physical qualities would have a very decided weight. There are cases in the service to-day where officers, although men of decided ability, have poor physique, are frequently on the sick list, and things of that sort.

Mr. DAYTON. Men of family that could probably go home and engage in other business?

Mr. MCFARLAND. Yes, sir; men who could go home and engage in other business.

Mr. DAYTON. Now, the other point that I wanted to bring out—

Mr. SOUTHARD. This gives the President the discretion?

The CHAIRMAN (Mr. Foss). What the lieutenant is saying now applies principally to section 9. We are now on the subject of voluntary retirement.

Mr. MCFARLAND. Yes, sir.

Mr. DAYTON. I want to bring out one prominent idea that has impressed me forcibly. Is it not a fact that this section 8, providing for voluntary retirement under a wise, tactful, and kind administration, will enable the sting of compulsory retirement to be largely done away with by the board simply giving a man an opportunity to voluntarily apply for retirement on account of some physical trouble, which may be explained to him by the Department or the board themselves before the actual compulsory retirement is made necessary?

Mr. MCFARLAND. Yes, sir; that is entirely correct; it would work in that way. An officer might be aware that his physical condition was such that when the board came to consider his case he would be almost certainly selected to go. Knowing that, he would naturally apply. In the same way an officer might, from looking at the retirements from age and otherwise, see that it would be necessary to select out a number of people; and, taking everything into consideration, if he was a modest man, not thinking too well of himself, he might conclude that the chances were good that he would be one of those selected, in which case he would apply.

Mr. MEYER. At a grade higher than the one he then had, which would be a considerable salve to his wounded feelings?

Mr. MCFARLAND. I think so, sir. In fact, the board took the view that, on the whole, it would not be considered a stigma on the officer at all to be selected for retirement, for the simple reason that it might happen that on account of some physical disability a man might be selected who would be known to the service as one of the ablest men. But the board has to consider all the requirements of the service, and naturally robust health is one of them. So while, if a man happened to be sick with something from which he would recover, they would not select him, still if there was visible a probable breakdown, he would probably be selected to be retired, although his ability under ordinary circumstances would insure his retention.

Mr. DAYTON. In that connection, as I understand it, a man on the retired list receives 75 per cent of the full pay, and in addition to that has no duty to perform in connection with the Navy?

Mr. MCFARLAND. Except in time of war.

Mr. DAYTON. He can remain at home with his family and can engage in other business?

Mr. MCFARLAND. That is correct.

Mr. DAYTON. Subject only to a call in an emergency to return to the service?

Mr. MCFARLAND. That is entirely correct.

Mr. DAYTON. Now, is it not true that our present system carries with it the idea that a man is not discharging his full obligation if he desires to be retired by reason of any disability, unless that disability is a very strong one?

Mr. MCFARLAND. Yes, sir; under existing law that is the idea.

Mr. DAYTON. While under this act would it not have the effect of removing any such stigma, enabling men honorably and without having any such sense of it apply for it, knowing that there had to be a certain number of retirements every year anyhow?

Mr. McFARLAND. Exactly; and it would be entirely in the President's discretion. For instance, it is not contemplated for a moment, in order to make numbers, that anybody at all should be allowed to retire, because it might happen that an able man might have an offer in civil life, and desire to get out of the naval service. It would be to the interest of the Government in such a case that the officer should not be retired. He would be too valuable a man to let go. That being in the President's discretion, the application for retirement would go to the Navy Department, where it would be examined and his record would be looked up. It being found that he was such a valuable man, the Department would say he could not be spared. They would say, "We can not let him go, because we want him; we want to keep him going up in the service."

Mr. DAYTON. In a time of war, where the disasters and troubles to the officers' lives always come, the retirement feature would be substantially suspended anyhow?

Mr. McFARLAND. It would be, because the law now allows the calling on the officers on the retired list in case of war; that is, it does by inference, because it says "Officers on the retired list shall not perform any active duty except in case of war."

Mr. DAYTON. And the clog and the necessity of either voluntary or involuntary retirement comes in a time of profound peace?

Mr. McFARLAND. That is the idea.

Mr. DAYTON. And under the voluntary provision that allows men honorably and without any stigma at all to apply for retirement in such a period of time. Would it not practically accomplish, in your judgment, the purpose designed of creating these vacancies under the voluntary feature and leaving the involuntary one practically without operation or necessity?

Mr. McFARLAND. I think it would, sir. That is my idea about it.

Mr. DAYTON. One more question, if I may be permitted to ask it, in connection with this. As I understand the situation, these provisions carefully provide first that no man can retire voluntarily until he has given to the Government substantially the best years of his life.

Mr. McFARLAND. Yes, sir. It is safe to say that he would certainly be over 40 years of age before he was eligible for retirement at all.

Mr. DAYTON. And that then he can honorably, without any stigma at all, apply for retirement in a period of profound peace, and by so doing he would not be injuring either himself or the service?

Mr. McFARLAND. Exactly. He would not injure himself, because the Government's provision for officers on the retired list would enable him to live a decent, comfortable life, without poverty; and so far from its injuring the service, it would be for the benefit of the service, because we do actually see the case where officers are kept so long in the lower grades that they get old and entirely unfit for the efficient performance of duty.

Mr. DAYTON. I do not know whether you have information in regard to this other point. In the naval regulations of any other great power has this question of promotions and retirements been allowed to remain in a state of—shall I use the words—innocuous desuetude to the extent that it is in the American Navy?

Mr. McFARLAND. I think I can safely answer that in no other navy

have things been allowed to drift along in the way they have in our own. I am positive that in the French and English navies they have not, and I have been told—although I can not vouch for that, but I will endeavor in revising my testimony to verify it and look it up—that in the German navy it has not been allowed to go this way. I have carefully investigated it in the French navy, and I have frequently seen the regulations of the British navy. I could, in fact, read them to you now, as I have them in my pocket.

Mr. MEYER. This question of positive and relative rank has never been agitated in foreign navies, has it?

Mr. MCFARLAND. Yes, sir.

Mr. MEYER. For instance, Germany. They have no rank especially there. They have such titles as “machinery engineer.” That means staff engineer or staff machinist.

Mr. MCFARLAND. It has been agitated, only I don't think we know quite so much about it as we do in our own country, because it has not been discussed in print. German officers have talked to me on the subject, and I know the engineers there are not satisfied with this system.

Mr. MEYER. For instance, in Russia the title corresponds to fleet engineer in our Navy, or engineer direct—you might say fleet mechanical engineer; and they have senior mechanical engineer and assistant mechanical engineer, junior mechanical engineer, and the lowest grades are recruited from the technical schools.

Mr. DAYTON. If we had all those different ranks we free-and-easy Americans would be lost, and there would be nothing to do except to follow the Southern rule and call every man a colonel.

Mr. MEYER. They correspond to what we now call chief engineer, passed assistant engineer, and assistant engineer. They correspond to those ranks. We commission an engineer now as assistant engineer with the rank of ensign. We give him a relative rank. In other navies of the world they simply call him assistant engineer, without giving him a relative rank.

Mr. MCFARLAND. They have a relative rank, just the same, as you will find by examining their regulations. They have different bands of lace on their sleeves, indicative of the different grades. It is just as it has been with us; they have the rank, but no military title to show the fact at a glance.

Mr. MEYER. As a matter of information and of some interest, I see there that in England the officer that we call chief engineer, the officer of the same grade, they call chief inspector of machinery. Another chief engineer is inspector of machinery. Then they have a fleet engineer and staff engineer, chief engineer, engineer, and assistant engineer. There is nothing said there about any relative rank or anything of the sort.

So even now—although I do not mention it as any argument or reason for not doing exactly what is proposed in this bill—even now under the present deplorable situation as depicted by the staff corps from time to time, our staff officers have been given more consideration with reference to title and rank than those of these other navies. I believe they should have more. That is my belief.

Mr. BUTLER. What is the Army and Navy Gazette; an English newspaper. What relation has that to the English navy?

Mr. MCFARLAND. Well, it is what is commonly called a service paper, just like our Army and Navy Journal and our Army and Navy Register. They are papers that concern themselves almost wholly with matters of interest to the Army and Navy.

Mr. BUTLER. Is there any notice made of this proposed scheme in that newspaper?

Mr. MCFARLAND. Yes, sir. Here is an editorial that I have with me in this paper [exhibiting paper].

Mr. BUTLER. Does it approve of this amalgamation scheme?

Mr. MCFARLAND. In a general way, it does.

Mr. BUTLER. Under what date?

Mr. MCFARLAND. January 15, 1898, on page 49.

The CHAIRMAN (Mr. Foss). I want to ask the lieutenant how the board happened to fix these particular numbers?

Mr. MCFARLAND. As I said, one of the objects of this system of selection, as it is commonly called, is to get officers into the different grades at ages which experience has shown to be the best ones in order that their duties may be performed most efficiently.

The CHAIRMAN (Mr. Foss). That is the point I wanted to bring out. Now, I want to bring out the ages, too.

Mr. MCFARLAND. I put down last night the approximate ages at which officers would attain the different grades under the provisions of this bill, and if you would like to have me do so I will give them.

The CHAIRMAN (Mr. Foss). We would like to have them.

Mr. MCFARLAND. The following list shows the average age at which an officer would attain the various grades in the new line under the provisions of the bill:

	Years.
Rear-admiral	58½
Captain	52
Commander.....	45
Lieutenant-commander	38
Lieutenant	29
Lieutenant (junior grade).....	25
Ensign	22

Mr. FOSS. I want to follow up that by asking this question; how did you happen to fix these particular ages?

Mr. MCFARLAND. Well, the age for getting to the admiral's grade was fixed with the idea that it is desirable that a man should have at least long enough in the grade to command a squadron for a full cruise under existing law; that is, for three years. Then there is no change made in respect to the age retirement in this bill. Every officer must retire at 62 years of age. That is regarded, on the average, as the limit of an officer's usefulness. A great many really ought to be retired before that age. Now, this age—58½ years—gives a little margin over three years for his service in that grade.

We worked from the grade of commander to some extent. It was considered that a man ought not to reach command rank later than about 45 years of age. I may say also that we were guided to some extent by the practice in the other navies of the world, as we have not had any experience as yet with such a system. We found where other navies had been trying this system, and we took the figures that they had finally adopted through experience as a pretty good guide for us to follow, or at least for us to consider; and this age of 45 years for a man to attain command rank was considered as the lowest that should be adopted.

Mr. SOUTHARD. That is, a commander at 45?

Mr. MCFARLAND. Yes, sir.

Mr. FOSS. Will you furnish a table of other navies showing that?

Mr. MCFARLAND. I will endeavor to. I can not at this moment. I

could give you in a general way, perhaps, the English service, but I will make it my business to send a report to the committee showing the figures for other navies as far as I can get them.

Ages at leaving the various grades in the line of United States Navy, according to House bill No. 7443, and ages in corresponding grades of foreign navies when retirement is compulsory.

[This table is compiled in part from Table 1 in report of joint subcommittee of Committees on Naval Affairs, appointed January 12, 1894.]

Grade.	Average age when leaving grade in United States Navy according to bill H. R. —.	Age in foreign navies when retirement is compulsory.					
		England.	France. ¹	Russia.	Italy.	Austria. ²	Germany.
Rear-admiral.....	62	60	62	60	60	.....	53
Captain	58½	55	60	55	55	.....	50
Commander	52	50	58	51	52	.....	.....
Lieutenant-commander.....	45	45	.....	.....	50	.....	.....
Lieutenant.....	38	45	53	47	45	.....	43
Lieutenant (junior grade)....	29	40	.....	.....	45	.....	.....
Ensign	25	.....	.....	.....	.....	.....	.....
Midshipman	22	.....	.....	.....	.....	.....	.....

¹ The French navy is suffering from lack of properly regulated promotion, and remedies have been under discussion in the last few years.

² Compulsory when ordered by the Emperor.

Mr. FOSS. That is a very important matter, it strikes me.

Mr. MEYER. Will you repeat those figures?

Mr. MCFARLAND. (Mr. McFarland read again the ages already given.)

Mr. FOSS. I would ask a question as to what the situation is as you find it to-day in the Navy?

Mr. MCFARLAND. I can only give now approximate figures; but in revising my testimony, with the aid of a retirement list, I can make it more accurate. I should say, at the present time, there are many lieutenants who are 50 years of age and officers are not attaining the rank of commander now until they are anywhere from 50 to 55 years of age; and, of course, this gets worse in higher grades, where the same thing will hold. We have in recent years had the spectacle of a man attaining the grade of admiral only a few days—in a few cases only a few weeks, and in others only a few months—before he was retired. So he never had a chance to render any real service in that grade at all.

Mr. DAYTON. Retired, you mean?

Mr. MCFARLAND. Under operation of the law, at 62 years of age.

Mr. SOUTHARD. How long must he have been in the service to entitle him to retirement at 62 years of age?

Mr. MCFARLAND. Well, at the present time, as the law stands now, the maximum age at which anyone can enter—I was going to say 26, but I think chaplains can enter a little later than that—

Mr. MEYER. You mean staff officers?

Mr. MCFARLAND. Yes, sir. He wanted to know how many years one would serve before retirement. If a person enters at 26 and retires at 62 that would be thirty-six years of service.

Mr. MEYER. I presume he referred to the line of the Navy, didn't he?

Mr. MCFARLAND. The law there allows voluntary retirement after forty years' service. After forty years of service an officer can retire voluntarily now. In the Army it is after thirty years' service.

Mr. MEYER. In the Army they have this law. They are compelled to retire at 64 years of age, but there is a clause in the law relative to the Army which authorizes the President, upon the application of any officer who may have had thirty years' or more service, it is then optional with the President to do it. The same law as in the Navy with this exception. Instead of thirty years' service it is forty years' service, and at 62 years of age he must retire, so that the Navy has not the same privilege.

Mr. DAYTON. Now, to enforce the point you made there, I want to ask you if it is not true that there are a number of lieutenants who have spent twenty-five years or more in the service?

Mr. MCFARLAND. Oh, yes, sir; there are a great many. I can take the Navy Register and show you that. [Referring to the Naval Register.] The first man on the active list of lieutenants here in this Navy Register entered the service in 1864. That is, he has spent thirty-four years in the service. In fact, those who have spent twenty-five years—that would run back to 1873—go away down to 155 on the list.

Mr. DAYTON. One hundred and fifty-five lieutenants on the list who have served over twenty-five years in that subordinate position?

Mr. MCFARLAND. Yes, sir; in that and lower positions.

Mr. MEYER. Those lieutenants who have served thirty or thirty-five years, if on board a battle ship, for instance, have to perform the same duties they performed thirty years ago?

Mr. MCFARLAND. They will probably be navigators; but still they would neither be the commanders nor the executive officers, but officers lower than that in rank.

Mr. MEYER. What is the probable age, for instance—

Mr. MCFARLAND. A man I happen to know, with whom I was shipmates on my last cruise, I think is about 50 years of age.

Mr. MEYER. As a general rule, officers who have served in a subordinate capacity until they are 50 years old or more have never had the responsibility of command. Is it not rather hazardous to trust them with responsibilities after that time—the responsibilities of the ship?

Mr. MCFARLAND. Yes, sir; I think so.

Mr. MEYER. By reason of their constant service in a subordinate position, is it not almost impossible for them to acquire the habits of responsibility and command as an officer should have who has the responsibility of an officer on board ship?

Mr. MCFARLAND. I think so, sir; and I think such is the general feeling in the service. It is for that very reason this proposition of selection is put in the bill.

Mr. MEYER. How soon under this bill will the hump be relieved?

Mr. MCFARLAND. I should say in about four or five years.

Mr. MEYER. Would not the hump be relieved in the natural order of things in about 1910?

Mr. MCFARLAND. Yes, sir; about that time.

Mr. MEYER. That is the lowest?

Mr. MCFARLAND. Yes, sir. I explained—but I think you were not in the room at the time—the way the things run now. I told them that this bill was not simply to cure the existing evil, but to provide for the future and prevent a recurrence of the evil. Unless a change is made, we shall at a future date have the same trouble, one crowd rushing through these upper grades in a short time, allowing them to be filled up with comparatively young men, so that we will have another hump.

Mr. MEYER. This bill will relieve the hump in about five years and then have no particular effect?

Mr. McFARLAND. It would prevent one occurring in the future. It would be automatic and would prevent such a hump as that ever occurring again.

Mr. DAYTON. One more question, and then I will promise that I will not intrude further on either one of these two sections. I want you to state, as a matter of your judgment alone, taking into consideration the fact that under this eighth section men can honorably voluntarily retire, and that many of them will be glad to do so under those circumstances, and the age limit of those that will have to retire soon anyhow, how many do you think will have to be involuntarily retired under the practical operations of this bill under section 9? In your judgment when will that begin?

Mr. McFARLAND. Some of the members of the board, who had an opportunity to investigate that matter with greater care than I did, estimated that probably there would be enough voluntary retirements to suspend the involuntary retirements for nearly fourteen years.

Mr. DAYTON. That is the point I wanted to get at. That was based upon the consensus of their judgment and upon the facts and circumstances of the Navy at the present time?

Mr. McFARLAND. Yes, sir; and upon the fact, also, that a great many officers have expressed themselves repeatedly as ready to go on the retired list at the present time if a thirty-year retirement law was passed. A great many officers who have grown old in these subordinate positions, and who do not see anything ahead of them, have felt that the best thing for them to do would be to get out of the way and let younger men come along and do the hard work.

Mr. DAYTON. And it is safe to say that the ninth section would have very little operation for ten or twelve years?

Mr. McFARLAND. Yes, sir.

Mr. FOSS. Now, we have been looking at this matter from the standpoint of the Navy. Suppose we look at it from the standpoint of the people. I understand that under the provisions of section 8 a lieutenant-commander can voluntarily retire from the service——

Mr. MEYER. Can a lieutenant retire also?

Mr. McFARLAND. No, sir; not voluntarily. That is the lowest grade by compulsion.

Mr. FOSS (continuing). Can voluntarily retire from the service at the possible age of 40 years, receiving for the rest of his life three-fourths of the sea pay of the next highest grade, which would be that of a commander, or \$3,000. Would it not be a serious objection——

Mr. McFARLAND. What you mean is, would it not increase the expense of the Navy to the country?

Mr. FOSS. Would it not be a serious objection that the retired list was greatly increased at the expense of the Government?

Mr. McFARLAND. To this question I desire to submit two answers:

First. I can not do better than quote from the letter of the Secretary of the Navy to the chairman of this committee, on page 2, where he discusses this very point. He shows that, while at the start there might for a few years be a very slight increase of the cost of the retired list, in the long run the cost of the retired list would actually be reduced, owing to the fact that, under the provisions of this bill, a number of officers would be retired in lower grades, who under existing law could all go up to the grade of admiral and retire with the much higher pay of that grade.

Mr. FOSS. Right there; they probably would not all go there, would they?

Mr. McFARLAND. I am taking the case of officers who were not

retired for disability or anything of that kind. It takes the two cases of people that lived on to the full expectation of life from the time they were retired. That is, take a man who was retired, for example, by either voluntary or compulsory retirement, say at an age, as you put it, of 40 years. He has a certain expectation of life. These tables have been calculated by getting what he would receive while retired at the lower age and comparing it with the pay that he would get on the active list to 62 years, and then what he would get as a retired admiral. This is the Secretary's statement:

For a few years there may be a slight annual increase of about \$7,000, owing to the increased pay of officers on the retired list, but it is impossible to speak with entire certainty as to the future action of the annual compulsory retirement clause, due to the impossibility of knowing what number of officers may apply for voluntary retirement. Taking into account the case of retiring the total number provided in the bill, giving an expectation of life as found in mortuary tables, and filling from the bottom the vacancies so created, we find that these compulsory retirements in grades below rear-admiral will effect a saving to the Government as follows:

During the lifetime of two lieutenants retired as such, instead of continuing on the active list and retiring as rear-admirals under present law	\$68, 000
During the lifetime of four lieutenant-commanders retired as such, instead of continuing as at present	110, 000
During the lifetime of five commanders retired as such, instead of as under present law	161, 000
During the lifetime of four captains retired as such, instead of as under present law	138, 000
Total	477, 000

This total of \$477,000 represents the saving attained by retiring 13 officers compulsorily in lower grades over what would be paid out if they retired as rear-admirals under the present law, the vacancies so caused being filled from below immediately upon these retirements.

The second answer is as follows: If the American people maintain a navy at all, they certainly want to maintain a thoroughly efficient one. It is believed by the officers who have prepared this bill, and who have studied the matter very carefully, that the method proposed is the best one for securing a thoroughly efficient navy. Even supposing that it does increase expenses, it would seem that it would be better to pay a little more money and to get a much more efficient service than to allow matters to drift along and not have an efficient one.

I may illustrate the point by taking a case which all people familiar with shipping have noted within the last few months. One of the great trans-Atlantic steamship companies has decided to take two of their vessels which are almost new—being only about 10 years old—and entirely remove the present machinery and replace it with other machinery of a later and more efficient type.

The machinery which is being taken out is not obsolete, because it was thoroughly up to date when it was put in the ships ten years ago; but the march of improvement has been such that the company owning these steamers feels that if they expect to get the best work out of the vessels and to keep pace with what other companies are doing, they must make a sacrifice by disposing of this fine machinery in good condition, in order to replace it with better.

It is to be remembered also that while it may seem in some ways not the best plan to place a man only 40 years of age on the retired list, that is only done in exceptional cases, and is for the good of the service and not for the good of the officer involved. In most senses, the officer is really sacrificed for the good of the service.

Thereupon, at 4.50 o'clock p. m., the committee adjourned until to-morrow, April 8, 1898, at 10.30 o'clock a. m.

APRIL 8, 1898.

The hearing was continued at 11 o'clock, Mr. Foss in the chair.

Personally appeared before the committee Passed Assistant Engineer McFarland and Lieut. H. C. Poundstone.

Mr. Foss read section 9 of the bill, as follows:

SEC. 9. That should it be found, at the end of any fiscal year, that the retirements pursuant to the provisions of law now in force, the voluntary retirements provided for in this act, and casualties are not sufficient to cause the average vacancies enumerated in section eight of this act, the Secretary of the Navy shall, on or about the first day of June, convene a board of not less than three nor more than five rear-admirals, and shall place at its disposal the service and medical records on file in the Navy Department of all the officers in the grades of captain, commander, lieutenant-commander, and lieutenant. The board shall then select, as soon as practicable after the first day of July, a sufficient number of officers from the before-mentioned grades as constituted on the thirtieth day of June of that year to cause the average vacancies enumerated in section eight of this act. Each member of said board shall swear, or affirm, that he will, without prejudice or partiality, and having in view solely the special fitness of officers and the efficiency of the naval service, perform the duties imposed upon him by this act. Its finding, which shall be in writing, signed by all the members, a majority governing, shall be transmitted to the President, who shall thereupon, by order, make the transfers of such officers to the retired list as are selected by the board: *Provided*, That not more than five captains, four commanders, four lieutenant-commanders, and two lieutenants are so retired in any one year. The promotions to fill the vacancies thus created shall date from the thirtieth day of June of the current year: *And provided further*, That any officer retired under the provisions of this section shall be retired with the rank and three-fourths the sea pay of the next higher grade.

Are there any questions to be asked on this section? We have already discussed it.

Mr. BUTLER. I would suggest that either one of these gentlemen present be allowed to make any explanation of that section which they think advisable.

Mr. FOSS. We will call upon Lieutenant Poundstone first.

Mr. POUNDSTONE. Its purpose is selection, but selection "out," instead of selection "to promote" officers. Its effect is to transfer to the retired list officers who, while good, are yet not so good as others in their grade.

Mr. MCFARLAND. As those who remain?

Mr. POUNDSTONE. Yes, as those who shall remain. In order to produce a flow of promotion, some method of this kind, or with like effect, has got to be put in force.

Mr. BUTLER. I understand that section 9 follows immediately upon section 8, in the same order, and confers certain powers upon the Department that it might be necessary for the Department to exercise in certain contingencies, powers that are not given them in section 8. Is that correct?

Mr. POUNDSTONE. That is correct.

Mr. BUTLER. I would like to ask—you are an officer of the line are you not?

Mr. POUNDSTONE. Yes, sir; a lieutenant.

Mr. BUTLER. It was suggested that you should come here to day and meet us as an officer of the line?

Mr. POUNDSTONE. Yes, sir.

Mr. MCFARLAND. He came at the request of the committee.

Mr. POUNDSTONE. Yes; I came at the request of the committee.

Mr. BUTLER. May I ask you this question: Is the result of the deliberations of this board or this scheme that is proposed here satisfactory as a general rule to the line officers in the Navy?

Mr. POUNDSTONE. I should unhesitatingly say yes.

Mr. BUTLER. And is considered by them a very desirable scheme to effectuate?

Mr. POUNDSTONE. It is generally so considered; yes, sir.

Mr. BUTLER. That is all I have to ask you.

Mr. HILBORN. How much does this bill increase the expenses; how much does it increase the compensation of the officers?

Mr. POUNDSTONE. Mr. McFarland has the data on that.

Mr. MCFARLAND. I presume you do not care who answers the questions?

Mr. HILBORN. Not a bit.

Mr. MCFARLAND. That question would have to be divided into two parts, for the reason that the bill provides for an increase of numbers as well as a slight increase of compensation.

Mr. HILBORN. Now let us see whether we get a compensating advantage in numbers anything like the increase in expenditures?

Mr. MCFARLAND. The increase in compensation is about \$260,000. The total expense carried by this bill is about \$600,000. The additional part is for the officers created by the bill and for the allowance for quarters.

Mr. HILBORN. How many are there?

Mr. MCFARLAND. In round numbers, 100 officers additional to the number now allowed by law.

Mr. LOUDENSLAGER. That will be the increased expense when the law is put in operation?

Mr. MCFARLAND. Yes, sir.

Mr. LOUDENSLAGER. And it will gradually grow for several years?

Mr. MCFARLAND. No, sir; I do not think it will grow.

Mr. LOUDENSLAGER. Does not section 8 provide for an increase to the number of retired officers?

Mr. MCFARLAND. It does; but, as was stated yesterday in the quotation which I made from a letter of Secretary Long, for a few years there may be a slight increase—a very slight increase—in the cost of the retired list, but in a short time that will begin to reduce, and ultimately the retired list will cost a good deal less than it will under existing law.

Mr. HILBORN. How is that?

Mr. MCFARLAND. For the reason that this bill provides for retiring officers in lower grades. As the law now stands every officer who lives can be retired as a rear-admiral. Everyone is eligible to promotion to the grade of rear-admiral and can be retired in that grade, but under the new scheme only a few would get to be rear-admirals.

Mr. LOUDENSLAGER. This retires him at a grade higher than the one he occupies, unless he is at the highest grade?

Mr. MCFARLAND. Yes, sir; but the captains will retire as commodores. You see it provided here in section 7:

Provided further, That nothing contained in this section shall be construed to prevent the retirement of officers with the rank and pay of commodore.

The idea was that the captains selected out arbitrarily or who voluntarily retire shall retire with the rank and pay of commodore and not with the rank and pay of admiral. It is the evident intent of the bill that the next higher grade, for these retirement purposes, will be commodore and not admiral.

Mr. HILBORN. Does it not increase the compensation to the officers of the Navy, besides increasing the number?

Mr. MCFARLAND. Yes, sir.

Mr. HILBORN. How much does it increase the pay, we will say, of a rear-admiral?

Mr. MCFARLAND. It would increase the pay of a rear-admiral about \$1,500.

Mr. HILBORN. What is the reason of that? Is he not paid enough now?

Mr. MCFARLAND. No, sir; I think not.

Mr. HILBORN (continuing). As compared with the other navies of the world is not our Navy well paid?

Mr. MCFARLAND. In some grades, yes; and in some other grades, no. In this particular one an admiral is paid much less than in most other navies of the world.

Mr. HILBORN. But you take it from the time the boy leaves the school at Annapolis until he retires, and is he not paid equal to any navy in the world now?

Mr. MCFARLAND. That would be a rather hard question to answer without considerable calculation. I am perfectly willing to say at once, as I know it to be a fact, that in the lower grades our Navy is paid better than other navies, but in connection with that there is a very important consideration. In most of the foreign navies the endeavor is to make the navy an aristocratic body. They purposely make the pay low in order that none but rich men can go into it.

It has always been the claim in America that every part of the Government service was open to anybody, and it is the fact that the number of rich men in our Navy is very, very small. The great majority of naval officers are men who have nothing but their pay to live on. In most of the foreign navies it is the reverse. In fact, I understand that in some navies the rate of pay is so small that it is hardly sufficient to provide for the officers' mess bills, let alone to pay for their uniforms.

Mr. HILBORN. You say these high positions in the Navy are open to all. What do you mean by that?

Mr. MCFARLAND. I mean the appointments at the Naval Academy are open to any young man. That is in the hands of the Congressmen themselves, and as they are the representatives of the people it is only fair to assume that they will give all their constituents an even chance to enter the service. I can state from my own personal knowledge that the officers now come from all the walks of life. Some of them come from the humblest walks of life.

Mr. HILBORN. All that is true, but I want to get at the real reason why we are increasing the pay of the officers of the Navy—because of course this bill is going to be antagonized on the floor, and seriously so. They will want to know the reason why we are going to increase the pay of the naval officers and not go down to Jack or the warrant officers?

Mr. MCFARLAND. There are several answers——

Mr. FOSS. We have been considering section 9. This matter of the increase of pay properly, I suppose, comes under section 13.

Mr. BUTLER. I will follow Mr. Hilborn with a question or two when we come to section 13.

Mr. FOSS. The discussion of the increase in the pay, then, will be deferred until we reach section 13 of the bill.

Mr. MCFARLAND. I would like to add to what Mr. Poundstone said of section 9, that that section for the purpose of simplicity of arrangement was separated from section 8. The two really go together. The object, as Lieutenant Poundstone explained, is to create a flow of pro-

motions, and as I explained yesterday under section 8, the object of having this flow of promotion is in order to get officers into the various grades at ages when they can render the best service to the country.

Section 8 provides for what is known as voluntary retirement to make up the number of vacancies required in addition to what would occur from the ordinary casualties; that is, death, resignation, and retirement for disability.

It may happen that the voluntary retirements provided for in section 8 would not furnish the necessary number of additional vacancies, and, as it is felt to be absolutely necessary, for the efficiency of the service, that there should be the number of promotions in the grades shown by section 8. Section 9 was drawn in order that the President could take these officers who are recommended as the ones to be retired, and place them on the retired list, in order to make the necessary number of promotions and keep this question of the right man in the right place moving along all the time.

Mr. FOSS. Will you state, Lieutenant, the number of retirements that will occur each year until the hump under the present arrangement is practically relieved.

Mr. MCFARLAND. Yes, sir. Counting from January 1, 1898, to the 1st of July, 1898, 3; to July 1, 1899, 6; to July 1, 1900, 3; to July 1, 1901, 4; to July 1, 1902, 9; to July 1, 1903, 3; to July 1, 1904, 9; to July 1, 1905, 18; to July 1, 1906, 28; to July 1, 1907, 23; to July 1, 1908, 28; to July 1, 1909, 30; to July 1, 1910, 45; to July 1, 1911, 39; to July 1, 1912, 32.

Mr. FOSS. Then the so-called hump will be relieved?

Mr. MCFARLAND. Yes, sir. Of course, you see that makes a very large number of officers to go. That is, there are 242 retirements in eight years.

Mr. DAYTON. What will be the effect upon the officers that pass through that period as to the rapidity of their promotion from one grade to the other, and their opportunity to acquire experience in the lower grades before they reach the higher grades?

Mr. MCFARLAND. Do you want to put the question in that way? These people have already spent nearly their whole life in the lower grades?

Mr. DAYTON. I want you to show that, and then that they will go up to the other grades with a rush.

Mr. MCFARLAND. These officers have already spent nearly their whole life in the lower grades, and it will be seen from the dates given that nearly all of them are now about 50 years of age. As the majority of them are below the rank of commander, it follows that they have only twelve years for the youngest of them to go through the grades of lieutenant-commander, commander, captain, and admiral. And as, for the next five or six years, promotion is very slow, it really means that their promotion, as a matter of fact, will be through the four upper grades of admiral, commodore, captain, and commander in about six years.

It is an undoubted fact that a great many of them would only spend a few months in each of the grades of commodore and admiral.

Mr. FOSS. Please show the effect that would result as to the lower man—the men below; show how they would go up; show the effect it would have on the younger men who will still remain, of course, in the line.

Mr. MCFARLAND. The effect on the younger men will be just the opposite of the effect on the older ones, except that they will go with

the same rapidity through the lower grades that the older men go through the upper ones.

Mr. FOSS. That is to say, they will follow right on after?

Mr. MCFARLAND. Yes.

Mr. FOSS. With the same rapidity?

Mr. MCFARLAND. Yes, sir. In fact, the promotion would really be too rapid in some of the lower grades and the officers would not put in the number of years in those grades that they should to get the experience necessary before attaining command rank.

Mr. DAYTON. I do not think of anything else that I want to ask about the ninth section.

Mr. FOSS. One question, and that is, how they fix these numbers here, four lieutenant-commanders, four commanders, and five captains?

Mr. MCFARLAND. I can answer that. These numbers were taken—that, is the aggregate of fifteen—because it was the estimated number that would be necessary beyond the number from natural age retirements and casualties as the maximum that would be required in any one year to make the numbers for promotion in the various grades as specified in section 8.

The reason why they were distributed as they are was because it was felt that in the lieutenants' grade a man had not rendered enough service to the Government to warrant his being retired except at the extreme top of the list. Therefore, the number in the lieutenants grade was limited to two. The numbers in the upper grades were distributed in about the same proportion, as it only made thirteen, and there had to be five in one. That was put in the captains grade so as to give promotion all along the list.

Mr. FOSS. Now, section 8 provides for how many voluntary retirements?

Mr. MCFARLAND. It is not specified. It is simply to make the numbers up to a certain number of vacancies in each grade. It does not specify how many. It simply says that the President may—it does not say that there shall be so many voluntary retirements, but that if there are fewer vacancies than the numbers specified in section 8, then the President has the discretion of placing enough of these applicants for voluntary retirement on the retired list to make the vacancies up to the number specified in that section.

Mr. FOSS. Section 9 provides for—

Mr. MCFARLAND. Compulsory retirement to the same numbers.

Mr. FOSS. Of 15?

Mr. MCFARLAND. Provided there have not been enough voluntary retirements. That is, 15 would be the maximum number that could be retired in any one year.

Mr. FOSS. Now, it might occur that there would still remain vacancies.

Mr. MCFARLAND. You mean that there would be more vacancies?

Mr. DAYTON. There might be more retirements than the number fixed.

Mr. MCFARLAND. Then, of course, there would be none of these compulsory retirements. If in any one year the number of vacancies that have occurred is more than equal to the number provided in section 8 for that year, then those vacancies go over to the next year. For instance, it says in section 8 that, above the grade of lieutenant-commander there are to be 20 promotions; that is, the man who was No. 1 at the beginning of the year must have gone up so much that the man who was No. 21 at the beginning shall be No. 1 at the end.

Suppose one year, from natural causes, without voluntary or compulsory retirement, there had been 25 vacancies above that grade; then,

the next year, if there were 15 vacancies, that would make the average for the two years 20, and there would be neither voluntary nor compulsory retirement. This method is carried on continuously, so that, thirty years after the passage of this bill, if the number of vacancies has averaged 20 up to the year in question, then there would be neither compulsory nor voluntary retirement.

Mr. DAYTON. It makes it automatic?

Mr. MCFARLAND. Yes, sir.

Mr. FOSS. Suppose there were no voluntary retirements, simply forced retirements?

Mr. MCFARLAND. These forced retirements up to 15?

Mr. FOSS. Would they alone relieve the congestion?

Mr. MCFARLAND. That is the estimate, that the natural retirements, the retirements from age and casualties (which have been estimated at about 3 per cent), would, in addition to these 15 retirements, make the numbers sufficient to do it.

With regard to the present hump, the idea is that the provision in this section 8 and in section 10 will cause a number of old officers to retire voluntarily who feel that they are really past their stage of usefulness, who realize that they are old and getting feeble, on account of the inducements offered them of going on the retired list in the next higher grade. It is believed that there will be enough voluntary retirements for the next few years, added to the normal number of age retirements, to make up the requisite number of promotions and relieve the congestion.

Another point that I did not happen to think of yesterday, but remembered last night and would like to submit, is that if the bill is passed it will at once promote 97 lieutenants in the line and 26 lieutenants in the Engineer Corps to the grade of lieutenant-commander, and that of itself is a great help. The worst part of this stagnation—the thing that hurts the worst—is the large number of old lieutenants. This, you see, would at once promote a great many of them. I said yesterday that I thought the congestion would be relieved in about five years, and I find, on going over the figures carefully, that that was a pretty close estimate.

Now, with your permission, I would like to say a little more about the point which Mr. Boutelle raised and which was one that never occurred to me, because I had not thought of the subject in that way—that was that the bill is a scheme to make everybody attain the highest rank.

It would be inferred from such a statement that the present arrangement did not allow everybody to attain the highest rank. I want to call attention to the fact that, under existing law, if an officer lives and behaves himself he is *certain* to attain the highest rank. In other words, barring a man's death or retirement from disability, the *present* system *does* assure every man who once enters in the lowest grade retiring in the highest grade.

Mr. FOSS. You should have said barring age and disability.

Mr. MCFARLAND. I should have said barring age and disability.

Mr. POUNDSTONE. That will apply now.

Mr. MCFARLAND. There will be some who will retire as captains, owing to being older than a number of men who are ahead of them. The bill under consideration distinctly has for its object *not* to allow everybody to attain the highest rank, but only those who are best fitted for this highest rank. That is what I wanted to put on record in regard to that matter.

Mr. FOSS. Were these hearings before the board appointed to consider

the matter of reorganization of the personnel of the Navy by the Secretary of the Navy, which submitted the proposed personnel bill published in printed form?

Mr. McFARLAND. No, sir. The board held sessions under the presidency of the Assistant Secretary of the Navy, Hon. Theodore Roosevelt, and a stenographer was present to take down such matters as it was desired to keep as a record, and particularly all resolutions, votes, etc.; but the proceedings were to a considerable extent comparatively informal. All the members of the board, except the Assistant Secretary, were naval officers of considerable experience and thoroughly familiar with the subject, so that the hearings were more to discuss the desirability of certain ideas advanced than for the securing of information.

The method was to take up a certain subject, discuss it with great thoroughness, and secure the views of every member of the board. Then when it became clearly evident what the idea of the board was, a subcommittee was appointed to draft a section of the proposed bill to cover the agreement which had been reached. This section would then be manifolded and a copy be given to each member for his consideration. Then the matter would be again considered by the board and voted on. This process was followed out with each section until all were concluded, and then the various sections were turned over to a subcommittee to incorporate in the form of a bill. This completed bill was again carefully considered section by section. A few verbal alterations were made and when these had been inserted, the result was the bill which was submitted to this committee by the Secretary of the Navy.

Mr. Foss then read section 10, as follows:

SEC. 10. That any officer of the line of the Navy as constituted by this Act, with a creditable record, who served during the civil war, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade.

Mr. DAYTON. Please explain section 10, its object and purpose, and why it is especially incorporated in this bill, and for whose benefit.

Mr. McFARLAND. As shown by the section, it will apply to any officer who served during the civil war, but it is especially intended for the benefit of those line officers known as the volunteers, whose greater age than that of the officers who came from the Naval Academy immediately around and ahead of them is likely to prevent their reaching the highest grade under ordinary conditions.

It was felt that those officers who had rendered valuable service during the war should be given as much regard as possible, and this section is intended to meet that purpose.

It was also intended to benefit the chief engineers of the Navy who served during the civil war and who, in the same way as the volunteers, when transferred to the line under the provisions of the bill, happened to fall into such places that it is very improbable that any of them would, by regular promotion, reach the next higher grade.

In other words, the specific intent of the section is for the benefit of officers who served during the late civil war.

Mr. Foss. Is it true that most of them did not graduate at the Naval Academy?

Mr. McFARLAND. Yes, sir; those for whose benefit this section is especially intended did not graduate at the Naval Academy.

Mr. Foss. Do you know how many there are of those?

Mr. McFARLAND. The total number that would be thus benefited is about fifty.

Mr. FOSS. We will pass on to section 11. It is as follows:

SEC. 11. That from and after the passage of this act the students of the Naval Academy shall have the title of midshipman, and on successfully completing the course at that institution each shall be commissioned in the lowest grade of the line or Marine Corps, the two years' course at sea being hereby abolished.

Mr. DAYTON. I will ask one question about that: Will you state what reason can possibly be given why there should be the discrimination as to the period of study required? In other words, I understand in the Army, that is, at West Point, a man graduates in four years and gets his commission?

Mr. MCFARLAND. That is correct.

Mr. DAYTON (continuing). While in the Navy a man is required to spend four years in the academy, and then two years at sea before he gets his commission?

Mr. MCFARLAND. That is correct.

Mr. DAYTON. And does this section have any other purpose than to do away with this plain and obvious discrimination against the naval cadet?

Mr. MCFARLAND. It has no other object.

Mr. DAYTON. Is there any good reason why a young man who has passed through the course at Annapolis, of four years, should not receive his commission and go aboard of his ship with his commission to perform exactly the same duties that he has to do during the two years at present without a commission?

Mr. MCFARLAND. There is not only no good reason against this, but there are a great many good reasons for it.

Mr. POUNDSTONE (reading from paper):

The abolition of the two years' course at sea is something that has been felt by naval officers for many years to be desirable, and it makes the same arrangement for graduates of the Naval Academy as has always obtained at West Point. Under existing law a naval cadet at sea is in a very anomalous position. He is treated as a commissioned officer and yet does not receive his appointment from the President, and questions have arisen from time to time as to the legality of his performing much of the duty that the requirements of the service make absolutely necessary. The name cadet attached to a graduate of the Naval Academy, whose age may be anywhere from 19 to 26 years, belittles him in the eyes of the enlisted men under his command, and his efficiency would be greatly increased by the mere fact that he is a commissioned officer.

Mr. FOSS. At what age do they enter the Academy now?

Mr. POUNDSTONE. From 15 to 20 years of age.

Mr. DAYTON. I have always understood that after a student at the Naval Academy has spent his four years engaged in his academical studies, before he passes his final examinations and is granted his diploma or commission, he is required to go to sea for two years and there is given such duties as substantially prevent him from keeping in mind his academical studies; and then is required to return at the end of those two years and pass an examination upon his academical studies before he is given his commission. Is that true?

Mr. MCFARLAND. It is substantially true as you have stated it.

Mr. FOSS. The last portion of the clause in that section (section 11) is open to some ambiguity—that is, the two years' course at sea being arbitrarily thereby abolished, it might strike one at the start that it was not intended to give them any sea service at all.

Mr. POUNDSTONE. As a matter of fact, you know that they have sea service while they are at the Academy.

Mr. MCFARLAND. Yes; they have the sea service. They get nine months' sea service—

Mr. DAYTON. Let us see about that. The two years' service at sea required by the commission—

Mr. MCFARLAND. It is all right, because it says they shall be commissioned—that is, they become ensigns and then they are assigned to duty, the same as anybody else, and it is expected in this new scheme that the whole three years as ensign will be spent at sea.

Mr. DAYTON. There can be no possible misunderstanding of the section, Mr. Chairman, because, for the reason stated by Mr. McFarland, a man is at once commissioned.

Mr. MCFARLAND. And becomes at once eligible to any duty.

Mr. DAYTON. Upon completing his course at Annapolis, then, the "two years' course at sea being hereby abolished," those words are to be taken in relation to the first part of the clause?

Mr. MCFARLAND. Yes; that is, it makes the course four years, and he then completes his connection with the Naval Academy.

Mr. DAYTON. And then goes in as a commissioned officer?

Mr. MCFARLAND. And then becomes a commissioned officer and is subject to orders the same as any other officer.

Mr. POUNDSTONE. The same as a man at the end of four years at West Point becomes a lieutenant right away?

Mr. MCFARLAND. Yes.

At this point (1.30 p. m.) the committee took a recess until 2.30.

AFTER RECESS.

The recess having expired, the committee reassembled.

Mr. FOSS (in the chair). We will proceed to the consideration of section 12, which is as follows:

SEC. 12. That upon the passage of this act all the naval cadets of the line and engineer divisions who have completed the four years' course at the Naval Academy and are performing duty at sea shall be commissioned in the lowest grade of the line, or Marine Corps, and the members of each class shall take rank among themselves according to their graduating multiples as was determined at the end of the four years' course at the Naval Academy.

Now, have you any explanation to make of that section?

Mr. MCFARLAND. That is simply to carry out the idea of abolishing the two years at sea required after academic graduation before receiving a commission, and it gives to a cadet now at sea exactly what section 11 now provides for those at the Academy.

Mr. FOSS. I will read section 13:

SEC. 13. That the commissioned officers of the line of the Navy shall be entitled to receive the same pay and allowances, except forage, as are or may be provided by or in pursuance of law for the officers of like relative rank in the Army and Marine Corps.

Do I understand that the officers in the Marine Corps have the same rank and pay as those in the Army?

Mr. MCFARLAND. That is correct; yes, sir.

Mr. FOSS. Give the pay of the officers in the Army, if you please, side by side, with those in the Navy of the same relative rank.

Mr. MCFARLAND. I will give it in tabulated form.

Army rank.	Corresponding Navy rank.	Army pay.	Navy pay.
Second lieutenant.....	Ensign	\$1,400	\$1,200 to 1,400
First lieutenant.....	Lieutenant (junior grade).....	1,500	1,800 to 2,000
Captain	Lieutenant	1,800	2,400 to 2,600
Major	Lieutenant-commander	2,500	2,800 to 3,000
Lieutenant-colonel	Commander.....	3,000	3,500
Colonel.....	Captain.....	3,500	4,500
Brigadier-general	Commodore.....	5,500	5,000
Major-general.....	Rear-admiral	7,500	6,000

In addition to the figures as given, to get the pay of the army officers, it is necessary to note that "all officers below the rank of brigadier-general are entitled to 10 per centum, in addition to their current yearly pay as given above, for each and every period of five years' service (p. 137 of the Navy Register), provided the total amount of such increase shall not exceed 40 per centum of their current yearly pay, and provided further, that the pay of a colonel shall not exceed \$4,500 per annum, and that of a lieutenant-colonel \$4,000."

Mr. DAYTON. Then it is manifest that in no event would these salaries below those of commodore be affected at all by this?

Mr. MCFARLAND. Yes, sir; they would be slightly increased.

Mr. POUNDSTONE. You see they get this longevity pay, and in certain grades would always get the 40 per cent additional.

Mr. MCFARLAND. These officers of high rank who would necessarily have been more than twenty years in the service.

Mr. DAYTON. It would be very difficult, if not an impossible thing, to figure out absolutely, without taking the length of service of every officer in the Navy, the exact expense of these longevity provisions upon the increased pay under this bill, of the Navy, or the increased cost in pay, would it not?

Mr. MCFARLAND. Yes, sir; to get it with absolute accuracy.

Mr. DAYTON. Have you made any estimates as to it?

Mr. MCFARLAND. Yes, sir; an estimate has been made.

Mr. POUNDSTONE. It is included in the letter.

Mr. MCFARLAND. It was included in the letter of Assistant Secretary Roosevelt when submitting the report of the board to the Secretary.

In this estimate he puts the increased cost of paying the Navy under this bill, as compared with that under existing law, at \$600,000 per annum.

A considerable proportion of this amount is due to the actual increase in numbers and to the fact that a portion of this increase is in higher grades, where the rates of pay are higher.

There is also a moderate increase in the pay of many grades where army pay is now higher than the pay allowed the Navy, and a final portion of this increase is due to providing an allowance for quarters for those officers on shore who are not provided with a place of abode by the Government.

This allowance for quarters does not, of course, apply when officers are at sea, nor in the case of those officers who have houses or quarters supplied by the Government.

Mr. POUNDSTONE. You mean provided by the Government, not supplied?

Mr. MCFARLAND. Yes.

Mr. FOSS. I want to have you state what the pay of the engineers is at the present time in the several grades.

Mr. DAYTON. In the corresponding grades.

Mr. MCFARLAND. Assistant engineer, corresponding to ensign or junior lieutenant, the pay is \$1,700 to \$1,900.

Passed assistant engineer, corresponding to junior lieutenant or lieutenant, the pay ranges from \$2,000 to \$2,700, depending on length of service in the grade.

Then chief engineer, corresponding to rank in the line from lieutenant to captain, and pay running from \$2,800 to \$4,200, depending on length of service in the grade.

I would say, in giving these figures, that it is difficult to make a comparison, grade for grade, with officers in the line, as so much depends

on the rate of promotion. The assistant engineers at the start get from \$1,700 to \$1,900 contrasted with \$1,200 to \$1,400 paid the ensigns, but in the next grade it may happen, depending on rapidity of promotion, that a passed assistant engineer may get the same pay as a lieutenant, or he may get less, depending on which reaches the grade first.

Assuming that officers in the two branches reach the two grades of lieutenant-commander and chief engineer at the same time, they would get the same pay at the start, but after that the systems of pay are different, inasmuch as the engineer officer gets an increment every five years, while the line officer gets only one increase in pay while in the grade of lieutenant-commander, and after that only gets an increase of pay when he is actually promoted.

Mr. FOSS. What is this increment to which you refer?

Mr. McFARLAND. You will see in the pay table it provides that for the first five years after date of commission the chief engineer gets \$2,800. During the second five years he gets \$3,200—an increment of \$400, you see. During the third five years he gets \$3,500, and so on. Whereas in the line, after once becoming a lieutenant-commander, he gets, four years after being commissioned, \$3,000; but then he does not get any other increase while he is in that grade. His next increase comes on promotion to commander.

Mr. FOSS. State where that is referred to.

Mr. McFARLAND. It is on page 134 of the Naval Register—the navy pay table.

I may say in this connection, with your permission, that one of the reasons for suggesting the army pay table for the Navy is on account of this very fact, that the navy pay table as at present prepared leaves officers' compensation so much to chance. The army pay table provides some increase for length of service, while the navy pay table only takes account of length of service in some grades, and if an officer happens to remain in that grade longer than the one increase allowed, he gets no additional increase whatever.

This is actually the case now with many of the older lieutenants, who have not had an increase of pay for the last ten or twelve years. There was a similar state of affairs some years ago, which led Congress to provide four rates of pay for passed assistant engineers. At that time there was a large number of officers in this grade who had served during the war, but who had not been promoted for years. Some of them had been passed assistant engineers for twenty years. It was to relieve this condition of affairs that the greater number of longevity payments were provided for them as compared with the passed assistant surgeons and passed assistant paymasters.

At that time it was not supposed that there would be such a block in the lieutenants' list as has since occurred, and, consequently, they were not provided for, so that the condition which I have already stated exists, that officers have been for ten or twelve years without getting any increased compensation for this length of service.

Mr. FOSS. Does that cover the statement entirely?

Mr. McFARLAND. Do you mean all that is necessary to say about the pay?

Mr. FOSS. Yes; because I wanted to refer to this matter of allowances.

Mr. DAYTON. One other thing I wanted to ask. Lieutenant, can you give an estimate of how much of the aggregate of \$600,000 increase that would be brought about by this bill in the naval pay roll will depend on the 100 extra officers that are made necessary by the service and

provided for by the bill? Please give me your best judgment about that.

Mr. POUNDSTONE. There is an absolute statement on that point, I think.

Mr. MCFARLAND. I did know. I think we had that. I had it in a different shape.

Mr. POUNDSTONE. The difference between the additional amount required to pay the additional officers asked for by the Secretary of the Navy under existing law and the amount of money required by the proposed bill is \$80,000.

Mr. MCFARLAND. No; that is not quite it——

Mr. DAYTON. What I wanted to know is this: How much of this increase of \$600,000 would be made up of the salaries of the additional men provided for by this bill?

Mr. MCFARLAND. You see, some of those are in the higher grades. I should say it would be about \$230,000.

Mr. DAYTON. That would leave——

Mr. MCFARLAND. Although the list is increased by 100, it does not mean that the hundred officers all get the lowest rate of pay, because the bill provides for an increase in some of the higher grades, and of course that is equivalent to adding officers in those higher grades.

Mr. DAYTON. Then I understand the additional increase by reason of the adjustment of salaries provided for by the bill will make the difference between \$600,000 and \$230,000?

Mr. MCFARLAND. Yes, sir; including in that an allowance of about \$100,000 for quarters.

Mr. MEYER. Does that embrace the additional cost involved in the authorization of 100 machinists?

Mr. MCFARLAND. No, sir; it is exclusive of that.

Mr. MEYER. And ought to be exclusive properly?

Mr. MCFARLAND. Yes, sir; the figures just given related only to the commissioned officers.

Mr. DAYTON. Now, please state the necessity, if any, for the increase of 100 officers provided for by this bill.

Mr. MCFARLAND. The best answer that I can make to that is that the Chief of the Bureau of Navigation and the Engineer in Chief have both made the strongest possible recommendations to the Department for an increase in number of the officers both of the line and the Engineer Corps, stating that this increase was necessary for the efficiency of the service, to man efficiently the ships already provided for by Congress, and not including those in the naval appropriation bill which passed the House recently.

The Secretary of the Navy in his annual report recommended that the numbers in the Engineer Corps be put at the number allowed in 1882, prior to the act of August 5 of that year, which reduced the numbers, and that the line of the Navy be increased by, I think it was, 75.

Mr. POUNDSTONE. Seventy-five was what it was.

Mr. MCFARLAND. I can not find the recommendation in his report at this moment, but that is what it was, that the line of the Navy be increased by 75. The numbers recommended by the Secretary in this way would make the aggregate of the line and Engineer Corps, or what will be the new line if this bill passes, 1,071. The number recommended in this bill is 1,020.

Mr. DAYTON. Now, will you tell me what reason exists, if any, why an Army officer should receive a larger salary than a naval officer of the same grade; or, stating the proposition from the other point of

view, is there any reason why the naval officer should be given as good a salary as the army officer of the same grade?

Mr. MCFARLAND. Answering that question, I would say that I know of no reason why a naval officer should receive less pay than an army officer does. If anything, it would seem that he should receive a higher rate of pay, because a little consideration of the differences in the duties coming upon him will make it very apparent that, on the average, the expenses of the Navy officer are higher than those of the army officer.

One item in this connection is the matter of social entertainment which comes upon naval officers when representing the country abroad. There is no allowance made for this, and the officers have to pay out of their own pockets for all entertainment which they extend to foreign officers and distinguished people from foreign countries who come on board ship. Army officers have no such expense to meet.

Mr. FOSS. I would like to have you explain this word here in section 13.

Mr. MCFARLAND. Allowances?

Mr. FOSS. Yes.

Mr. MCFARLAND. That refers to allowance for quarters, and there is, I believe, a small allowance for fuel.

Mr. POUNDSTONE. The allowance for fuel comes in this way, if I may venture to attempt to interrupt you. Fuel costs in the market a certain price. Quartermasters buy fuel and sell it at a uniform price, which is always much under the market price, because they buy it in large quantities. The market price may be \$6, and the army officer keeps buying it at \$3. That is the explanation of the so-called allowance for fuel.

Mr. FOSS. What other allowances besides that for fuel are there?

Mr. MCFARLAND. Those are all that I know of.

Mr. POUNDSTONE. Forage for mounted officers.

Mr. MCFARLAND. That is expressly excepted in the case of the Navy, because naval officers do not have horses.

Mr. FOSS. Are the men in the Navy entitled to allowances?

Mr. POUNDSTONE. No allowances. (Mr. Poundstone read section 1270 of the Revised Statutes.)

Mr. MCFARLAND. The only thing which naval officers now receive which can be called an allowance is the navy ration of 30 cents per diem, and that is only when serving at sea.

Mr. DAYTON. That is the last section which relates to those things, and we pass now to machinists. But there is one thing which I want answered by both of you gentlemen, because of the fact that it is right in that line. I have heard it suggested that a naval officer's duties are not very onerous, and that he will not serve at sea more than three years out of fifteen. I want to ask, now, about how much time, on an average, does a naval officer spend at sea and about how much time does he spend on land, and when on land what does he have to do, if anything?

Mr. MCFARLAND. I would say in regard to that that there never has been a time, except in such rare instances that they were known to everybody in the service, that an officer only spent three years at sea out of fifteen. On the contrary, the general average of the service has always been at least half the time at sea, and in many cases more than half the time. For the younger officers at the present time I should say the average was nearly two-thirds of the time at sea.

Mr. DAYTON. You agree with that, Mr. Poundstone?

Mr. POUNDSTONE. Yes.

Mr. MCFARLAND. Answering the second part of the question, what the officers have to do on shore, I would say that the majority of them

work about as hard as anybody you could find in business or anywhere else. The hours set at the Navy Department, for example, simply mean nothing to the officers there. They work early and late, nights and Sundays, and their whole aim is to do the work of the Department, going along without any regard to questions of hours or anything of that sort.

Mr. DAYTON. When on shore I understand, then, they are detailed to the Department here and the navy-yards——

Mr. MCFARLAND. And the Naval Academy, and light house inspection——

Mr. POUNDSTONE. Steel inspection.

Mr. MCFARLAND. Steel inspection, inspection of vessels, vessels that are being built by contract. In fact, I may say, and I say it without hesitation, that their duties on shore are at least as arduous as their duties at sea, if not more so.

Mr. DAYTON. What expense, if any, is the officer at when at sea?

Mr. MEYER. Does a naval officer's uniform involve more expense than the uniform of army officers?

Mr. MCFARLAND. It does, sir.

Mr. BUTLER. Give us an idea, if you please, of the expenses of an officer at sea.

Mr. MCFARLAND. I may answer that question in a general way by saying briefly that under existing circumstances there are practically no allowances at sea for the naval officer except the ration of 30 cents a day, which of course is wholly inadequate to pay an officer's mess bill; that all expenses such as mess bills, washing, bedding, clothing and everything in fact, must be paid by the officer himself out of his own pocket.

Mr. POUNDSTONE. You have mentioned entertainment?

Mr. MCFARLAND. Yes. I have not mentioned that in this list, although I did speak of it under another head, when discussing the difference between the expenses of army and naval officers.

Mr. BUTLER. Is he expected to furnish entertainment?

Mr. MCFARLAND. Oh, that expense comes on an officer just as much as his expense for the regular mess. It will be understood that when vessels visit a foreign port there are always interchanges of courtesy among the officers of the various ships there, and also calls from the distinguished citizens of the port to whom the ordinary courtesies and amenities of life must be shown, and that courtesies are also extended to the officers, which must be returned. There have been cases where this matter of entertainment amounted to a very considerable item, sometimes to as much as the regular mess bill, and it is to be noted that much of this is independent of whether the officer has personally received any attention; but as committees of officers have been invited to entertainments, the mess itself has to return them, so the expense must be shared by every member of the mess.

As General Meyer has suggested, the expense coming on a naval officer for uniforms is also considerably greater than the expense which comes on an officer of the Army, because there is a greater number of uniforms which have to be provided in the Navy.

Mr. BUTLER. I would like to know about how much an officer has to provide in the way of clothing when he starts off on a cruise.

Mr. MCFARLAND. I think it is a conservative estimate that the outfit is worth at least \$500. Don't you think so, Poundstone?

Mr. POUNDSTONE. I should say \$600 would be the very lowest figure.

Mr. MCFARLAND. There is another thing in that connection, and that

is this: A naval officer is obliged to have more clothing than an army officer, because he is often on an extended cruise where underclothing and linen can not be laundered, and he must have a tremendous supply of each of those.

Mr. BUTLER. Is it a matter of choice, a matter of pride, a matter of custom, or is it an order of the Department that he should always present a very respectable and elegant appearance?

Mr. MCFARLAND. Every one of the things you have mentioned.

Mr. POUNDSTONE. An order of the Department and the custom of the service, and he would be speedily court-martialed if he did not present a respectable appearance.

Mr. FOSS. In that connection, I want to ask you if this matter of the cost of clothing does not depend somewhat on the grade of the officer?

Mr. MCFARLAND. It does, of course. The cost which I have given is that which would fall on an ensign, the lowest commissioned officer, with the least pay. Of course, captains and admirals would have to spend a good deal more for their clothing. To a certain extent each grade costs a little more in the way of clothing.

Mr. BUTLER. I would like to know about how much scope and how far-reaching the provisions of this bill for promotion will extend; how far back will it go to grab a man who is away in the rear and help him in his promotion? Have I made myself plain?

Mr. MCFARLAND. You mean how far down the list?

Mr. BUTLER. Yes, sir.

Mr. MCFARLAND. It goes clear to the bottom. The provisions of this bill, in the way of stimulating promotion, help every officer.

Mr. BUTLER. How much more rapid would his promotion be by reason of this bill?

Mr. MCFARLAND. Yesterday I was asked a question by Mr. Foss bearing on this very point, as to about how long it would be before the hump was relieved by the provisions of this bill, and I said, after thinking a short time, that it would be relieved in about five years. Last night I took a Naval Register and the provisions of the bill and studied the matter more carefully, and I found that the estimate I had given of five years was about right. In this connection I may state that the bill itself provides at once for the promotion of 97 lieutenants in the line. It will promote 97 lieutenants in the line and 26 lieutenants in the Engineer Corps to lieutenant-commanders at once. That is a great help.

Then, further, under the provisions of the bill there would be above the grade of lieutenant in the next five years 145 promotions—that is, it would promote 145 people from the top of the list; and when you go down through the whole list the average rate would be somewhat higher, would be about 35, making a larger number, of course, at the bottom of the list of lieutenants. The total difference between the promotions under the existing law and the promotions under this new bill in the next five years would be 178—that is, that *difference* in the number of promotions; that is, in the entire list of 900 officers there would only be 90 promotions, whereas under this new bill there would be 268 promotions.

Now, it struck me as an interesting feature to take a specific case and see how far down the list this would reach. The average number of promotions on the lieutenants list, going down the whole list, would be about 35 per annum in the new bill.

Enterprising newspaper men have had what they call an amalgamated

register prepared—that is, showing how, if this bill is passed, the officers of the line and Engineer Corps together would stand on the new register. Taking this bill as having passed, seeing what would happen in five years, I find on looking down the lieutenants list the gentleman occupying No. 175 would be the one that would be promoted in five years. Then, having found it to be 175, I noted who the gentleman was, and I find it is Lieutenant Swift.

Mr. BUTLER. The one hundred and seventy-fifth man?

Mr. MCFARLAND. Yes; he will be No. 175 after the bill passes. I will explain in a minute where his present position is. He would be promoted to be lieutenant-commander five years after the passage of the bill. I then looked up his present age, and I found that at the present time he is 41 years of age, and even when the bill passes would be No. 175. But this would make him, under the provisions of this bill, a lieutenant-commander by the time he is 46 years of age. At the present time on the Naval Register he is 236 on the lieutenants' list, and in five years, under the existing law, he would simply go up to 132. He would only make 104 numbers in five years, and he would not be promoted to be a lieutenant-commander until he was 51 years of age.

Mr. BUTLER. You do not mean to say No. 175 will have to wait ten years?

Mr. MCFARLAND. Under the existing law this gentleman, who will be promoted in five years under the proposed bill, would not be promoted to be a lieutenant-commander for ten years. He is now 41 years old. He would not get up until he was 51 years old under the present law. That gentleman was a classmate of mine at the Naval Academy. It simply happened to come his name.

The amalgamated list referred to, and which is practically correct, though it is unofficial, is as follows:

Amalgamated register.

REAR ADMIRALS (18).

1. Kirkland.	6. Bunce.	11. Kautz.	16. Schley.
2. Miller.	7. McNair.	12. Remey.	17. Casey.
3. Sicard.	8. Howell.	13. Farquhar.	18. Sampson.
4. Matthews.	9. Dewey.	14. Watson.	
5. Norton.	10. Howison.	15. Robeson.	

CAPTAINS (70).

1. Cromwell.	19. Glass.	37. Barclay.	55. Elmer.
2. Philip.	20. Cooper.	38. Coghlan.	56. Lamberton.
3. Picking.	21. Taylor.	39. Rearick.	57. Schouler.
4. Rodgers, F.	22. Buehler.	40. Gridley.	58. Dickins.
5. Kempff.	23. Wadleigh.	41. Sigsbee.	59. Wilde.
6. Higginson.	24. Crowninshield.	42. Leary.	60. Davis.
7. Sumner.	25. Wildes.	43. Able.	61. McCalla.
8. Day.	26. Sands.	44. Whiting.	62. Train.
9. McCormick.	27. Stirling.	45. Dyer, N. M.	63. White, E.
10. Barker.	28. Wise.	46. O'Neil.	64. Pigman.
11. Cotton.	29. Harrington.	47. Adamson.	65. McGowan.
12. Terry.	30. Allen.	48. Goodrich.	66. Green.
13. Miller, M.	31. Ludlow.	49. Chadwick.	67. Rockwell.
14. Read, J. J.	32. Melville.	50. Burnap.	68. Forsyth.
15. Johnson, M. L.	33. Cook.	51. Jewell.	69. Converse.
16. Shepard.	34. Chester.	52. Folger.	70. Bradford.
17. Evans.	35. Clark, C. E.	53. Andrade.	
18. Inch.	36. Trilley.	54. Lowe.	

Amalgamated register—Continued.

COMMANDERS (112).

1. Craig.	29. Hunker.	57. Leutze.	85. Colby.
2. Thomas.	30. Hanford.	58. Chasman.	86. Logan.
3. Snow.	31. Berry.	59. Sebree.	87. Arnold.
4. Reiter.	32. Very.	60. Windsor.	88. Bates.
5. Brownson.	33. Robinson.	61. Couden.	89. Cowles.
6. Nichols.	34. Harris.	62. Pendleton.	90. Milligan.
7. Mead.	35. Manney.	63. Swift.	91. Allibone.
8. Houston.	36. Todd.	64. Ross, H. S.	92. Taussig.
9. Longnecker.	37. Hemphill.	65. Mansfield.	93. Baird.
10. Ide.	38. Lillie.	66. Roelker.	94. Pillsbury.
11. Book.	39. Swinburne.	67. Heald.	95. Inch, R.
12. Perry.	40. Emory.	68. Symonds.	96. Webster.
13. Stockton.	41. Bicknell.	69. Wood.	97. Reeder.
14. Farenholt.	42. Hutchins.	70. Goodwin.	98. Delehanty.
15. Strong.	43. Ackley.	71. Ford.	99. Cornwell.
16. Impey.	44. MacConnell.	72. Ross, A.	100. Ingersoll.
17. Watson.	45. Richards.	73. Clover.	101. Marix.
18. Merry.	46. Stivers.	74. Miller, J. M.	102. Kennedy.
19. Gibson.	47. Tilley.	75. Wise.	103. Sturdy.
20. Maynard.	48. Knox.	76. Bleecker.	104. Kelley.
21. Lyon.	49. West.	77. Hannum.	105. Moser.
22. Dayton.	50. Entwistle.	78. Dunlap.	106. Rodgers.
23. Walker.	51. Merrell.	79. Rush.	107. Jasper.
24. Mackenzie.	52. Eaton.	80. Engard.	108. Schroeder.
25. Sperry.	53. Moore.	81. Smith, J. A. B.	109. Drake.
26. Courtis.	54. Belknap.	82. Habighurst.	110. McLean.
27. Reisenger.	55. Aston.	83. Gheen.	111. Barnette.
28. Burwell.	56. Gilmore.	84. Field.	112. Mullan.

LIEUTENANT-COMMANDERS (170).

1. Delano.	37. Beehler.	73. Peck.	109. Sewell.
2. Forse.	38. Harber.	74. Hubbard.	110. McCrea.
3. Moore.	39. Paine.	75. McCracklin.	111. Qualtrough.
4. Wadhams.	40. Osborn.	76. Dyer.	112. Cresap.
5. Adams, J. D.	41. Briggs.	77. Heilner.	113. Baker.
6. Wainwright.	42. Mason.	78. Hall.	114. Southerland.
7. Selfridge.	43. Nazro.	79. Hughes.	115. Young.
8. Adams, C. A.	44. Kimball.	80. Fickbohm.	116. Roper.
9. Everett.	45. Day.	81. Murdock.	117. Fox.
10. Hawley.	46. Wilson.	82. Osterhaus.	118. Fremont.
11. Rodgers.	47. Harris.	83. Collins.	119. Mertz.
12. Carlin.	48. Davenport.	84. Vreeland.	120. Galt.
13. Blockinger.	49. Barry.	85. Rees.	121. Lowry.
14. Garst.	50. Winslow.	86. Dillingham.	122. Cottman.
15. Cogswell.	51. Turner.	87. Holman.	123. Lasher.
16. Singer.	52. Colvocoresses.	88. Sargent.	124. Sawyer.
17. Speyers.	53. Colahan.	89. Reamey.	125. Scheutze.
18. Prime.	54. Kellogg.	90. Bull.	126. Howard.
19. Niles.	55. Berry.	91. Merriam.	127. Cowles.
20. Stevens.	56. Norris.	92. Milton.	128. Knight.
21. Sterenson.	57. Driggs.	93. Kilburn.	129. Badger.
22. Rae.	58. Patch.	94. Hunker.	130. Diehl.
23. Kearney.	59. Pielps, jr.	95. Mentz.	131. Nicholson.
24. Moore, W. S.	60. Rohrer.	96. Staunton.	132. Lemly.
25. Ogden.	61. Nickels.	97. Ward.	133. Underwood.
26. Cowie.	62. Curtis.	98. Bartlett.	134. Halsey.
27. Howell.	63. Porter.	99. Thomas.	135. Wilner.
28. Perry.	64. Stuart.	100. Marshall.	136. Morrell.
29. Bayley.	65. Moore.	101. Irwin.	137. Winder.
30. Dixon.	66. Niles, K.	102. Hanus.	138. Moore.
31. Mickley.	67. Mahan.	103. Roller.	139. Veeder.
32. Nauman.	68. Low.	104. Greene.	140. Reynolds.
33. Perkins.	69. Houston.	105. Calkins.	141. Robinson.
34. Buckingham.	70. Richmond.	106. Elliott.	142. Galt.
35. Bowman.	71. Comly.	107. Barroll.	143. Barton.
36. Potter.	72. Rittenhouse.	108. Lefavor.	144. Denig.

Amalgamated register—Continued.

LIEUTENANT-COMMANDERS (170)—Continued.

145. Peters.	152. Colwell.	159. Eaton.	166. Lawrance.
146. Fiske.	153. Rooney.	160. Canaga.	167. Reeves.
147. Holmes.	154. Dorn.	161. Zane.	168. Parks.
148. Stewart.	155. Scott.	162. Edwards.	169. Hodgson.
149. Parker.	156. Emmons.	163. Potts, S.	170. Helm.
150. Hutchins.	157. Noel.	164. Clever.	
151. Bowyer.	158. Ransom.	165. Willits, A. B.	

LIEUTENANTS (300).

1. Cutler.	57. Hall, R. T.	114. Almy.	171. Mayer.
2. Winslow.	58. Fullam.	115. McFarland.	172. Brainard.
3. Laird.	59. Witzel.	116. Hood.	173. Safford.
4. Usher.	60. Winterhalter.	117. Byran, B. C.	174. Maxwell.
5. Hughes.	61. Orchard.	118. Garrett.	175. Swift.
6. Carter.	62. Jordan.	119. Marsh.	176. Smith, W. S.
7. Fletcher.	63. Fechteler.	120. Carr.	177. Luby.
8. Sharp, A., jr.	64. Brumby.	121. Blish.	178. Clark, L. J.
9. Hosley.	65. Wright.	122. Jungen.	179. Dewey.
10. Beatty.	66. Gleaves.	123. Harlow.	180. Rodman.
11. Wood.	67. Parker.	124. Gill.	181. Hoogewerff.
12. Daniels.	68. Hodges.	125. Ryan.	182. Capehart.
13. Shearman, J. A.	69. Dunn.	126. Norton.	183. Wilson.
14. Doyle.	70. Dodd.	127. Ripley.	184. Blow.
15. Stoney.	71. Denfield.	128. Sears.	185. Kaemmending.
16. Coffin.	72. Grant.	129. Gibson.	186. McAlpine.
17. Hodges.	73. Lansdale.	130. Scribner.	187. Matthews.
18. Caperton.	74. Harrison.	131. Bennett, F. M.	188. Redgrave.
19. Smith, J. T.	75. Nelson.	132. Bell.	189. White, W. W.
20. Bailey.	76. Benson.	133. Doherty.	190. Sampson.
21. Willits.	77. Bronaugh.	134. Menefee.	191. Arnold.
22. Worthington.	78. Bostwick.	135. Gibbons.	192. Anderson, M. A.
23. Little.	79. Oliver.	136. Snowden.	193. Moritz.
24. Freeman.	80. Dombaugh.	137. Bevington.	194. Theiss.
25. Burgdorf.	81. Cook.	138. Tillman.	195. Wood, S. S.
26. Eldridge.	82. Rodgers, T. S.	139. Carter.	196. Brown.
27. Warburton.	83. Schell.	140. Bowers.	197. Fletcher.
28. Gearing.	84. Quinby.	141. Pickrell.	198. Chambers.
29. Potts.	85. Glennon.	142. Salisbury.	199. Johnson.
30. Allen.	86. Werlich.	143. Leonard, S. H.	200. Rommell.
31. Walling.	87. Rush.	144. Lopez.	201. Whittelsey, W. B.
32. Boush.	88. Knapp, H. S.	145. Kellogg.	202. Jayne.
33. Sears.	89. Rodgers, W. L.	146. Purcell.	203. Doyle.
34. Bostwick.	90. Smith, R. C.	147. Bitler.	204. Blandin.
35. Culver.	91. Griffin, R. S.	148. Dresel.	205. Key.
36. Mayo.	92. Wood, A. N.	149. Phelps.	206. Howard.
37. Rogers, C. C.	93. Lloyd.	150. Hourigan.	207. Field, W. R. M.
38. Newton.	94. McElroy.	151. Bernadou.	208. Anderson, E. A.
39. Rose.	95. Huse.	152. Poundstone.	209. Poyer.
40. Pond.	96. Hughes, R. M.	153. Ackerman.	210. Conant.
41. McLean, W.	97. Atwater.	154. Miner.	211. Leopold.
42. Chambers.	98. Holcombe.	155. Niblack.	212. Leonard, J. C.
43. Gillmore.	99. Burdick.	156. Truxton.	213. Winchell.
44. Tappan.	100. Bartlett.	157. Morgan.	214. Higgins.
45. Gover.	101. Bieg.	158. Haesler.	215. Day.
46. Coffman.	102. Kimmell.	159. Hall, H.	216. Eaton.
47. Hannum.	103. Gage.	160. Simpson.	217. Ellicott.
48. Henderson.	104. Gow.	161. Muir.	218. Dyson.
49. Griffin, T. D.	105. Clark, G. R.	162. Allderdice.	219. George.
50. Minett.	106. Stafford.	163. Leiper.	220. Chapin.
51. Mulligan.	107. Rodgers, A. G.	164. Kinkaid.	221. Herbert.
52. Braunersreuther.	108. White, W. P.	165. Rohrbacker.	222. Halstead.
53. Sherman, F. H.	109. Burd.	166. Sims.	223. Field, H. A.
54. Hogg.	110. Shipley.	167. Gorgas.	224. Knepper.
55. Dunning.	111. Craven.	168. King, C. A. E.	225. Williams, C. S.
56. Reid.	112. Hetherington.	169. Van Duzer.	226. Hoggatt.
	113. Knapp, J. J.	170. Buchanan.	

Amalgamated register—Continued.

LIEUTENANTS (300)—Continued.

227. Beecher.	245. McGuinness.	264. Strite.	283. Stone, C. M.
228. Hill.	246. Strauss.	265. Cooper.	284. Washington.
229. Welles, R.	247. Stanworth.	266. Witherspoon.	285. Boughter.
230. McDonold.	248. Russell, R. L.	267. McKean.	286. Davis, A. H.
231. Hulme.	249. Bispham.	268. Hayes.	287. Burrage.
232. Parmenter.	250. Rust.	269. Jones, H. W.	288. Blue.
233. Jones, H. P.	251. Evans.	270. Bush.	289. Russell, F. M.
234. Shoemaker.	252. Eberle.	271. Decker.	290. Marble.
235. Seymour.	253. McCormick.	272. Bristol.	291. Robertson.
236. Fahs.	254. Tarbox.	273. Wells.	292. Brittain.
237. Plunkett.	255. Gilmer.	274. McCully.	293. Morgan.
238. Whittlesey, H. H.	256. Coontz.	275. Bertollette.	294. Crose.
239. Dieffenbach.	257. Bullard.	276. Logan.	295. Hubbard.
240. Fenton.	258. Edgar.	277. Moale, jr.	296. Miller.
241. Chase, V. O.	259. Oman.	278. Bryan, H. F.	297. Chandler.
242. Slocum.	260. Andrews.	279. Long.	298. Koester.
243. Miller.	261. Faust.	280. Durell.	299. Hayward.
244. Kline.	262. Hines.	281. Scale.	300. Robison, S. S.
	263. Tisdale.	282. Brown, F. H.	

JUNIOR LIEUTENANTS AND ENSIGNS (350).

1. Benham.	47. Vogelgesang.	92. Davison.	136. Ryan.
2. Hughes.	48. McVay, jr.	93. Thompson.	137. Morris, J. R.
3. Norton, A. L.	49. Everhart.	94. Traut.	138. Wells, C.
4. Reid, J. H.	50. Bailey.	95. Hines, Jno. F.	139. Gillis.
5. Beach.	51. Dayton.	96. Payne, Fred R.	140. McLean, R.
6. Stickney.	52. Bostwick.	97. Crank, Robt. K.	141. Stone, R.
7. Wiley.	53. Moffett.	98. Moses.	142. Sellers.
8. Bassett.	54. Latimer.	99. Symington.	143. Webster, C.
9. Gates.	55. Dismukes.	100. Stirling, Yates, jr.	144. Tompkins.
10. Jackson.	56. Edie.	101. Hasbrouck.	145. Hudgins.
11. Hoff.	57. Belknap.	102. Mallison.	146. Babin.
12. Twining.	58. Blamer.	103. Ball.	147. Fullenwider.
13. Hutchinson.	59. Robison.	104. Pringle.	148. Jones, L. B.
14. Kettelle.	60. Williard.	105. McCormick, B. B.	149. McMorris.
15. Pratt.	61. Pollock, E. T.	106. Kellogg.	150. Graham.
16. Nulton.	62. Stearns.	107. Allen.	151. Hinds.
17. Marvell.	63. Kuenzli.	108. Powelson.	152. Bennett, E. L.
18. Patton.	64. Rowen.	109. Montgomery.	153. Moody.
19. Magruder.	65. Hough.	110. Clark, jr.	154. Sandoz.
20. MacDougall.	66. Reed, M. E.	111. Ward.	155. James.
21. Bradshaw.	67. Christy.	112. Bissett.	156. Luby, J. M.
22. Danforth.	68. Irwin, N. E.	113. Campbell, E. H.	157. Chappell.
23. DeSteiguer.	69. Evans, W.	114. Lang.	158. Reeves, J. M.
24. Phelps, W. W.	70. Emrich.	115. Price, H. B.	159. Scott.
25. Kaiser.	71. Caldwell.	116. Crosley.	160. Kavanagh.
26. Cole.	72. Senn.	117. Tranch.	161. Cooper.
27. Offley.	73. Sypher.	118. Gise.	162. Snow.
28. Brand.	74. Bierer.	119. Wilson.	163. Baker.
29. Williams.	75. McGrann.	120. Pearson.	164. Lyon.
30. Terhune.	76. McFarland, H. G.	121. Jackson, O. P.	165. Bookwalter.
31. Mitchell.	77. Preston.	122. Read, F. D.	166. Cone.
32. Harrison.	78. Leigh.	123. Chadwick.	167. Bulmer.
33. Fermier.	79. Althouse.	124. Doddridge.	168. Galbraith.
34. Schofield.	80. Brotherton.	125. Olmstead.	169. Winship.
35. Coleman.	81. Carter.	126. Brady.	170. Spear.
36. Holmes.	82. Smith, H. E.	127. Cook.	171. McNeely.
37. Chase, J. V.	83. Laws.	128. Fewell.	172. Turpin.
38. Ziegemeier.	84. Hartrath.	129. Upham.	173. Stone, G. L. P.
39. Davis.	85. Campbell, J. R.	130. Sticht.	174. Whitted.
40. Signor.	86. Day, G. C.	131. Douglas.	175. Osborn.
41. Buck.	87. McNamee.	132. McKethan.	176. Manion.
42. Williams, G. W.	88. Sawyer.	133. Pratt.	177. Gelm.
43. Price, C. B.	89. Hussey.	134. Pollock, E. R.	178. England.
44. Taylor.	90. Blakeley.	135. Proctor.	179. DeLany.
45. Ritter.	91. Jewell.		180. Brumby.
46. Sullivan.			181. Dick.

Amalgamated register—Continued.

JUNIOR LIEUTENANTS AND ENSIGNS (350)—Continued.

182. Mallory.	190. Todd.	198. Freeman, F. N.	206. Kneeper, O. S.
183. Baldwin.	191. Klemann.	199. Standley.	207. McCormick, M. J.
184. Davidson.	192. Cushman.	200. Chester.	208. Marshall.
185. Mansfield.	193. Butler.	201. Barnes.	209. Johnston.
186. Laning.	194. Gherardi.	202. Wadhams.	210. Eckhardt.
187. Morton.	195. Monaghan.	203. Bennett.	211. Dunn.
188. Garrison.	196. Raby.	204. Watson.	
189. Karns.	197. Walker.	205. Bagley.	

Mr. MEYER. I notice the main increase proposed in this bill is in the lieutenant-commanders grade.

Mr. McFARLAND. Yes, sir.

Mr. MEYER. Won't it be likely to produce another hump in that grade?

Mr. McFARLAND. No, sir; it will not.

Mr. MEYER. You avoid that by the proposition to select out?

Mr. McFARLAND. Yes, sir.

Mr. MEYER. That will neutralize it?

Mr. McFARLAND. Yes, sir.

The numbers were carefully chosen to meet the actual requirements of the service as regards duty, and also to make them such that there would not be any chance for congestion. The board had the benefit of the long hearings, and all the data that were given before the commission, of which you were a member, as well as of all the tables prepared for that commission, and of the close study of the subject that was then made.

Mr. MEYER. You have seen those tables?

Mr. McFARLAND. Yes; I studied them last night.

Mr. TATE. Now, Lieutenant, I would be glad to know, in the five years under this bill, what the increase in the way of expenses is in the way of salaries to officers?

Mr. McFARLAND. It has been estimated, sir, that the increase of the expenses for pay of the active list of the Navy will be about \$600,000 a year. That is made up of three things. A portion of the increase is due to the fact that the number of officers is increased by 100 above the number now allowed by law.

Mr. BUTLER. Those officers are increased in numbers, as I understand, because we are increasing the number of our ships?

Mr. McFARLAND. Certainly. We have not enough officers now to man the ships.

Mr. DAYTON. That alone makes \$230,000?

Mr. McFARLAND. Yes; simply for the increase in the number of officers.

Mr. TATE. You mean \$230,000 is due to the 100 extra officers?

Mr. McFARLAND. Yes.

Mr. TATE. That would leave the balance of the \$600,000 due to the provisions of this bill?

Mr. McFARLAND. That, of course, is one of the provisions. Then there is the increase of the pay of the officers now in the service, amounting to about \$265,000, and the allowance for quarters, amounting to about \$98,000.

Mr. TATE. That is an addition to the \$600,000?

Mr. McFARLAND. No; that is what makes up the \$600,000.

Mr. BUTLER. About \$370,000, really, of an increase?

Mr. McFARLAND. Yes. I think it was before you came in that the members of the committee were asking us why we wanted army pay.

This increase is simply putting the Navy pay on the same footing as that of the Army, giving the navy officers the same pay as the army officers. I may say—what I have not said before—that one of the reasons which actuated us in asking this is that, as the Army had been paid on this system for many years, and the Army and Marine Corps, which are sister services, and performing certainly analogous—well, not strictly identical but analagous—duties, we thought it would strike everyone that the rate of pay for all the services should be the same. It is a much easier matter to ask that you adopt a rate of pay which has been in force for many years for another body of like officers performing like duties rather than to prepare a new pay table which would have to be gone over item by item to explain to everybody just exactly what each item meant. The army pay table has been in existence many years and it is well known.

Mr. TATE. In that connection, Lieutenant, I would ask you how long the navy pay table has been in existence.

Mr. MCFARLAND. I think it was passed by Congress in 1871, if I am not mistaken. I have heard older officers on the active list at that time say it was passed in 1871.

Mr. TATE. Has it been changed since then?

Mr. MCFARLAND. No; except, as I stated, a longevity rate was established, which has now expired, for passed assistant engineers. There was a period ten or twelve years ago when there was a terrible stagnation in the Engineer Corps, and a lot of officers of the war were still in that grade and there was very little prospect of their promotion. Congress then took up the matter, took pity on them, and gave them a longevity increase. Since then that stagnation has disappeared, so that now the officers in that grade of the Engineer Corps for some time past have not remained in that grade without promotion long enough to make those changes I have mentioned of any effect.

Mr. BUTLER. What was the question Mr. Tate asked?

Mr. TATE. The lieutenant spoke a while ago of a number of men who had left the service of the Navy on account of the pay they were receiving. Could you give the committee some idea of the number, say, within the last twenty years?

Mr. MCFARLAND. I would not be prepared to give the whole number within the last twenty years, but I could say offhand that I feel sure it would be 40 or 50 officers, and they the brightest men, the ones that it was to the interest of the Government to keep. Of course, you naturally do not find the dullards resigning to get important and lucrative positions outside, but the ablest men are the ones who resign. I have in mind, now, two gentlemen, one who was a little behind me and one who was a little ahead of me at the Naval Academy, who are getting salaries of \$15,000 a year in civil life.

If they had remained in the service one would now be getting \$2,400 per annum, and the other about \$1,800. Of course, these are exceptionally large salaries—these two cases—but there are a great many others who have resigned and are getting from double to treble what they would have received if they had remained in the service.

Mr. TATE. If that is true, that they are getting double and treble what they would get if they had remained in the service, do you think this bill would cure that trouble?

Mr. MCFARLAND. I do, in this way. I take it the great majority of men trained at the Naval Academy, taken as boys practically, trained there and spending fifteen or twenty years in the service, would really like to stay. Their friendships are in the service; all their ties are in the service, and they would like to stay.

The thing that takes them out is because the inducements outside are so much greater than the inducements to stay in the service. If the rate of pay in the service was such as to give them a reasonable assurance of being able to bring up their families decently, and that sort of thing, I think it would require a very much larger inducement to get them to leave than has been the case in the past.

Mr. FOSS. You stated awhile ago that the increase under this bill would be about \$600,000; \$230,000 of that, as I understood, would be by reason of the additional number of new officers. Is that correct?

Mr. MCFARLAND. Yes, sir.

Mr. FOSS. \$265,000 of that would arise by reason of the additional pay to present officers?

Mr. MCFARLAND. That is correct.

Mr. FOSS. And the balance on account of allowances for quarters?

Mr. MCFARLAND. Yes, sir.

Mr. FOSS. I would like to have you explain how you arrive at that amount, which is figured in for allowances for quarters.

Mr. MCFARLAND. The way in which that was done was by taking the Navy Register and going over the names of the officers, assuming that any Navy Register was a fair criterion as to those officers who would have to be provided with quarters. It is to be noted that at any time only a portion of the officers would be entitled to this allowance. The ones at sea do not get it, nor do the officers who are on shore and have quarters at the navy-yards or at the Naval Academy, or wherever the place may be that the Government provides quarters. So it simply amounted to going over the list and seeing how many people there were who would have to be provided with quarters, and making an allowance such as an officer of like grade would get in the Army.

I may say for the information of the committee that the wording of section 13 was drawn by the Judge-Advocate-General of the Navy, the law officer of the Department, following as closely as practicable the existing statute which provided that the Marine Corps should be paid at the same rate as the Army.

Mr. FOSS. Were the representatives of the other corps invited to be present during the sessions of the personnel board, and have their claims, if they had any, considered by the board?

Mr. MCFARLAND. In answer to that I would say that the board started to consider the status of the Pay Corps, but the Paymaster-General, who appeared before the board, stated practically that he did not want any change in the existing organization of the corps. The Colonel Commandant of the Marine Corps stated that he did not want his corps considered, and the civil engineers wanted to be let alone. The Medical Corps did not come up for consideration, other than that it was stated to the board that they were satisfied with matters as they stood.

I may say that the understanding of the board was finally that representatives of the other corps had seen the Secretary of the Navy, and as a result of this, the board was not to consider any other officers than the line and the Engineer Corps.

Mr. DAYTON. There was some discussion here in the committee room in regard to the warrant officers, and some suggestion that it was our duty to take up the question of looking after their interests and providing in this same bill for their rights, if they have any. And it has been stated that a bill has been introduced in their behalf, and at one time, I think, the suggestion was made that it ought to be incorporated or made a part of this bill.

My attention has been called to section 1491 of the Revised Statutes

of the United States, which provides as existing law that the President may, if he shall deem it for the best interests of the service, give an assimilated rank to boatswains, gunners, carpenters, and sailmakers, as follows: After five years' service, to rank with ensigns, and after ten years to rank with masters.

I want to ask Lieutenant Poundstone in that connection if that includes all the warrant officers, and if that power has ever been exercised by the President; and if not, why not?

(NOTE.—That law bears date the 2d of July, 1864, chap. 219, of the first session, volume 13, p. 373.)

Mr. DAYTON. It seems to me that it disposes of any question of the rights of the warrant officers if all the warrant officers are included there.

Mr. MEYER. I am informed that the power has not been exercised.

Mr. DAYTON. That was my understanding.

Mr. POUNDSTONE. I can answer the question by saying that that does include all the warrant officers in the Navy to-day, and under that authority the President is certainly empowered to give these people the rank and uniform of ensigns, or of junior lieutenants as they are called now. So far as I know, however, the authority has never been exercised by the President, probably for the lack of sufficient reason therefor. In the British service it is only exercised in case of gallantry in battle; that is, rank and uniform are only extended for gallantry in battle.

Thereupon, at 5 o'clock, the committee took a recess until to-morrow at 12 o'clock m.

SATURDAY, *April 9, 1898.*

The recess having expired, the committee resumed its session.

Appeared before the committee Commander Joseph N. Hemphill and Passed Assistant Engineer Walter M. McFarland.

Mr. FOSS (in the chair). We had completed practically section 13 of the bill, but I think it would be better to revert to it, as Judge Hilborn, I think, has some questions to ask in reference to it, and Mr. Bodine, possibly, also has questions to ask.

Do I understand from section 13 that under this proposed bill the commissioned officers of the line will receive the same pay as the officers of relative rank in the army and marine corps.

Mr. MCFARLAND. Under this scheme they would get exactly the same pay on sea and on shore.

Mr. HILBORN. Is that advisable?

Mr. MCFARLAND. We thought so because we wanted to make this pay section as simple as possible. We wanted to adopt a rate of pay that has been in force for many years in the sister service, and while we discussed that question we came to the conclusion that it was better to simply ask for the section just as it stands than to make any difference between the pay at sea and on shore.

Mr. BODINE. What is the difference now?

Mr. HILBORN. A good deal of difference now.

Mr. MCFARLAND. It depends on the grade. In some grades there is a difference of 20 per cent, and in some other grades there is only a difference of 10 per cent. It is an arithmetical difference and not a percentage difference at the present time.

Mr. HEMPHILL. If you will permit me to state about this evil—it is

what I call the evils—I will refer to my own case, which is that of all in the command grades specially, but applies to all naval officers to a greater or less extent. At the present time I am receiving \$3,000, and have been in the service thirty-six years. I receive \$3,000 while on shore duty. When I go to sea I receive \$3,500, an increase of \$500. That increase will not pay my expenses as the commanding officer of the ship by \$700. So my going to sea will cost me \$700 more a year than my staying on shore. That sea expense is this: I have investigated the thing very carefully, and from my own experience and the experience of other commanding officers, it can not cost less than \$60 a month for what we call mess expenses alone. That includes entertaining, which we have to do, and we have no allowance whatever—not an allowance.

Mr. BODINE. And would be reproved severely if you did not show these courtesies?

Mr. HEMPHILL. Yes, sir; we would be reproved severely.

Mr. BODINE. That is all wrong.

Mr. HEMPHILL. And in one case I believe an officer was reported to the Department by some of the representatives of the State Department in one of the South American countries because he did not entertain properly, and that helped to turn him down on his promotion.

Mr. HILBORN. Is not there some way that you could have a fund for entertaining—because there is only one commanding officer—only one charged with that duty of hospitality, but still all the other officers who do not have to entertain are brought right up, you know.

Mr. McFARLAND. Oh, yes; they all have to share the expense of entertaining.

Mr. HEMPHILL. Oh, yes; they pay. The only difference between the commanding officer and the others is that a commanding officer has to entertain more and singly. The others, except warrant officers, who do not have to entertain, are in a mess of from eight to ten or fifteen, or whatever it may be, and they all share the total expense.

Mr. HILBORN. Whom do they entertain?

Mr. HEMPHILL. They have to entertain the officers of corresponding rank of other navies, and the people who come from the shore to see the ship, and who are representatives in a minor capacity, and they have to return the entertainment received. It is a part and parcel of the service. In the English navy it is recognized so much that they make it an object for entertainment. That is the way they have advanced so much. It is one of the chief things—by entertainment.

Mr. HILBORN. Of course the idea was to make it desirable to go to sea; that is, the going to sea less irksome by giving more pay. Now, if you wipe out that difference and give the same pay to those on shore, will not the strife for shore duty increase?

Mr. HEMPHILL. No, sir; I do not believe it will. On the contrary, I know a great many officers who are wanting to go to sea. An officer who amounts to a row of pins wants to go to sea and wants to take his trick at sea duty, and as often as possible and without regard to pay.

Mr. HILBORN. But the penalty will be about \$700 a year, you say?

Mr. HEMPHILL. That is, under existing conditions.

Mr. HILBORN. How are those going to be mitigated? Now, there is an increase of pay when he goes to sea.

Mr. HEMPHILL. In this way: The only way you can compare the two services is six years at a time or period. Now, for example, if the army man has six years of service, he has six years of full pay.

Mr. HILBORN. I am talking now—

Mr. HEMPHILL. I will explain in a minute. The naval officer, in order

to compare with an army officer, must therefore take into consideration his six years, three years at sea and three years on shore, provided he can have duty for all that time. Now, at sea he gets so much. On shore he gets reduced pay. If he goes to sea under the present conditions it costs him more than the difference in pay. If, on the contrary, he gets the same pay right straight around, then while he is on shore he is enabled to save enough money to pay for the increased expense when he goes to sea. So in that way it evens up and he is able to go to sea, as he wants to go to sea and keep up the reputation of the service. As it is now he can not save a red cent either one way or the other.

Mr. HILBORN. You have assimilated your pay to the highest in the Army, not the infantry. You say there is no objection to amending this bill so that it will assimilate their pay to that of the infantry in the Army. That will remove a serious objection. This bill, of course, when it gets in on the floor is going to be jumped on the same as the Army bill was the other day, which was beaten out of its boots.

Mr. BODINE. Relative rank to what?

Mr. HILBORN. The infantry in the Army.

Mr. MCFARLAND. I explained yesterday that this section was drawn by the Judge-Advocate-General of the Navy, our law officer, to be as nearly as possible in the exact phraseology which gives to the Marine Corps the pay of the Army. In other words, we wanted to make a section which had already stood the test of careful investigation. The section which gives the Marine Corps the pay of the Army has stood that, and therefore we worded this as nearly as possible in the same phraseology.

Mr. FOSS. That is, you mean infantry pay as it stands now without amendment?

Mr. MCFARLAND. Yes, sir; because the statute for the pay of the Marine Corps says that it shall be the same as that of the infantry of the Army.

Mr. HILBORN. Now, I want our Navy to be paid as well as any navy in the world, for I have great pride in it. Have you ever had any relative figures made to show the relative pay they are getting now in other navies of the world as compared with our Navy?

Mr. MCFARLAND. In answer to that, I would say that it is exceedingly difficult, if not impossible, to give such figures. After I left the committee room yesterday, I endeavored to get such information, and I found that it was actually impossible to get reliable figures upon it.

There are books published which give certain figures for the pay of officers in certain services; but I know that for some services, while this is their nominal pay, they have certain allowances and matters of that sort which are not mentioned. So it is impossible with any data that I know of to make up a table of comparative pay that is worth the paper it is written on.

Mr. HILBORN. I wish you would prepare a table, if you can, showing the pay of these officers of the American Navy now that will be affected by the passage of this bill. That is one thing.

Mr. MCFARLAND. We can do that.

(NOTE.—For this table see pages 36, 39, 40, and 41 of hearing on April 9.)

Mr. HILBORN. Then give the committee a table showing the pay of some other foreign navy, if possible—say England. I would not leave that out; and if you can, put in some of the other navies of the world.

Mr. MCFARLAND. We will endeavor to do that; but, as I said, I fear we will not be able to make up such a table.

Mr. HILBORN. I think that is very important.
The table asked for is here given:

FULL PAY OF THE BRITISH NAVY.

[From British Navy List.]

Tables of the full pay and wages of the royal navy and of the royal marines when embarked.

[Officers who have elected former regulations and old rates of full pay are referred to former navy lists and admiralty instructions.]

1. NAVAL OFFICERS—MILITARY RANK.

Rank.	Year of 365 days.			One day.		
	£	s.	d.	£	s.	d.
Admiral of the fleet.....	2,190	0	0	6	0	0
Admiral.....	1,825	0	0	5	0	0
Vice-admiral.....	1,460	0	0	4	0	0
Rear-admiral.....	1,095	0	0	3	0	0
Commodore of the first class.....	1,095	0	0	3	0	0
Table money—						
To all the above while they are commanders in chief on foreign stations or at Portsmouth, and their flags are flying within the limits of their stations.....	1,642	0	0	4	10	0
While they are commanders-in-chief on home stations except Portsmouth, and their flags are flying within the limits of their stations....	1,095	0	0	3	0	0
When in charge of a separate station or squadron, and not serving under the orders of a senior officer.....	1,095	0	0	3	0	0
When serving under the orders of a senior officer abroad.....	730	0	0	2	0	0
When serving under the orders of a senior officer at home.....	547	10	0	1	10	0
Whilst proceeding to or returning from station in flagship.....	547	10	0	1	10	0
To a flag officer or commodore of the first class, superintending a dock-yard abroad.....	730	0	0	2	0	0
To a flag officer or commodore of the first class, superintending a dock-yard at home.....	547	10	0	1	10	0
To a commodore of the second class, in addition to his full pay and command money as captain and allowance as commodore abroad.....	365	0	0	1	0	0
To a commodore of the second class, in addition to his full pay and command money as captain and allowance as commodore at home.....	182	10	0	0	10	0
NOTE.—Table money is in every case payable only while flag or broad pendant is flying within the limits of station, except in the case of commanders in chief at home and admirals superintendent of dockyards at home, and the flag and other officers being senior or second in command of the Channel squadron, and the flag or other officers commanding the detached or other squadrons occasionally employed on the home station, who are to be allowed half the amount of their table money during short leave of absence when granted by the admiralty, not exceeding six weeks in the year. (Orders in council dated 5th February, 1870, and 17th March, 1875.)						
Commuted allowance in lieu of retinue of servants:						
Commander in chief, Portsmouth.....	500	0	0	.....		
Commander in chief, Devonport.....	500	0	0	.....		
Commander in chief, Sheerness.....	400	0	0	.....		
Senior officer, Queenstown.....	250	0	0	.....		
Allowance to commodore of the second class, in addition to his table money and his pay and command money as captain:						
If in command of a station or squadron, and not under the orders of a superior officer, if so ordered by the admiralty.....	365	0	0	1	0	0
Under other circumstances than the above.....	182	10	0	0	10	0
Captain of the fleet (not allowed table money).....	1,095	0	0	3	0	0
Captain of Her Majesty's ship Excellent, including pay and command money...	850	0	0	.....		
Captain of Her Majesty's ship Britannia, the reserve guard ships at Portsmouth, Chatham, and Devonport, and the royal yacht, including pay and command money.....	750	0	0	.....		
When any of the first 50 captains are in command of the Britannia, reserve guard ships, or the royal yacht, they are to receive as pay and command money.....	821	5	0	2	5	0
Captains, to the first 50.....	602	5	0	1	13	0
Captains, to the next 50.....	501	17	6	1	7	6
Captains, to the remainder.....	410	12	6	1	2	6
Scale of command money to captains, in addition to pay, excepting captains paid at special rates:						
In seagoing ships with complements of not less than 400 men, and in such ships as the Admiralty may direct <i>a</i>	328	10	0	0	18	0
In seagoing ships other than the above, including first reserve ships, Indian, and other troop ships <i>a</i>	191	12	6	0	10	6
In harbor ships with complements of not less than 400 men, or such ships as the Admiralty may declare to be entitled to the higher rate <i>a</i>	219	0	0	0	12	0
In harbor ships, other than the above <i>a</i>	127	15	0	0	7	0
Stationary ships abroad (except Gibraltar).....	191	12	6	0	10	6

a Provided that in every case, except that of the captain of a troop ship, a separate table is kept.

Tables of the full pay and wages of the royal navy and of the royal marines when embarked—Continued.

1. NAVAL OFFICERS—MILITARY RANK—Continued.

Rank.	Year of 365 days.	One day.
Scale of command money to captains, etc.—continued.		
Captains of Cambridge and Impregnable, the port guardships at Portsmouth, Devonport, and Pembroke dock, and the general depot ship at Chatham, and all flag captains	£ s. d. 219 0 0	£ s. d. 0 12 0
All other captains not keeping a separate table, and captains borne for full pay and employed on special service, but not in command of ships.....	91 5 0	0 5 0
Commuted allowance in lieu of servants to—		
Captain-superintendent, Sheerness	125 0 0	.....
Captain-superintendent, Chatham.....	125 0 0	.....
Captain-superintendent, Pembroke	125 0 0	.....
Commanders.....	365 0 0	1 0 0
Scale of command money to commanders in addition to pay:		
When in command of seagoing ships or tenders	68 8 9	0 3 9
When in command of tenders to coast-guard ships, or of torpedo-boat destroyers attached as tenders for instructional purposes to harbor ships at home or abroad	68 8 9	0 3 9
When in command of harbor ships or their tenders.....	45 12 6	0 2 6
Commanders borne for coast guard on shore, transport service, and surveying service are not entitled to command money; but commanders employed on other special service to receive command money at the rate of	45 12 6	0 2 6
NOTE.—The command money to captains of flagships is intended to cover the expense incurred by them when the flag is temporarily struck.		
Commander for navigating duties, in addition to pay (at the discretion of the admiralty)	73 0 0 to 91 5 0	0 4 0 to 0 5 0
Lieutenants:		
Under 8 years' seniority	182 10 0	0 10 0
Of 8 years' seniority and 6 years' service, of which 3 have been in a ship of war at sea.....	219 0 0	0 12 0
Of 12 years' seniority and 9 years' service, of which 6 have been in a ship of war at sea.....	255 10 0	0 14 0
Lieutenant in the independent command of any ship or in command of any tender:		
Under 8 years' seniority.....	200 15 0	0 11 0
Of 8 years' seniority under above conditions as to service	237 5 0	0 13 0
Of 12 years' seniority under above conditions as to service	273 15 0	0 15 0
Lieutenants' command money in addition to full pay:		
When in independent command of any ship or in command of any tender to a seagoing ship	68 8 9	0 3 9
When in command of tenders to coast-guard ships or of torpedo-boat destroyers attached as tenders for instructional purposes to harbor ships at home or abroad.....	68 8 9	0 3 9
When in command of any other tender to a harbor ship at home or abroad...	45 12 6	0 2 6
Allowances to lieutenants in addition to full pay:		
Senior of a rated ship or of a troopship not allowed a commander	45 12 6	0 2 6
Senior of a rated ship allowed a commander	27 7 6	0 1 6
Senior of a ship commanded by a commander.....	27 7 6	0 1 6
For gunnery duties:		
First class	63 17 6	0 3 6
Second class	45 12 6	0 2 6
Third class.....	27 7 6	0 1 6
For torpedo duties:		
First class	63 17 6	0 3 6
Second class	45 12 6	0 2 6
Third class	27 7 6	0 1 6
For navigating duties.....	45 12 6	0 2 6
For navigating duties if of 5 years' seniority.....	54 15 0	0 3 0
For navigating duties if passed for first-class ships for pilotage, without regard to seniority.....	73 0 0	0 4 0
For navigating duties when appointed to a flagship, in addition to navigating allowance, but subject to any conditions that the Admiralty may lay down—flag allowance	54 15 0	0 3 0
Lieutenants who obtain first-class certificates in gunnery or torpedo, at the completion of the short course, if on the admiralty list for appointment to ships not carrying a lieutenant for gunnery or torpedo duties, when so appointed.	18 5 0	0 1 0
Sublieutenant <i>a</i>	91 5 0	0 5 0
Allowance in addition to pay when appointed for navigating duties, if duly qualified	45 12 6	0 2 6
Store allowance when in charge of warrant officers' stores.....	27 7 6	0 1 6
Command money when in command of a ship or torpedo boat.....	36 10 0	0 2 0
Midshipman <i>a</i>	31 18 9	0 1 9
Naval cadet <i>a</i>	18 5 0	0 1 0

a Acting sublieutenants, midshipmen, and naval cadets are subject to a deduction at the rate of 5*l.* per annum from their full pay when receiving instruction from a naval instructor, staff commander, navigating lieutenant, or navigating sublieutenant (*vide* article 1364 of Queen's Regulations). The pay of naval cadets commences only on their appointment to ships after they have passed out of H. M. S. *Britannia* those on board H. M. S. *Britannia* not being in receipt of pay.

Tables of the full pay and wages of the royal navy and of the royal marines when embarked—Continued.

II. FULL PAY—NAVIGATING OFFICERS AND OTHER BRANCHES.

[Officers who have elected former regulations and old rates of pay are referred to former navy lists and admiralty instructions.]

Rank.	Year of 365 days.	One day.
	£ s. d.	£ s. d.
Staff captain.....	511 0 0	1 8 0
Staff commander, chaplain, naval instructor: <i>a</i>		
Under 5 years' service <i>b</i>	219 0 0	0 12 0
After 5 years' service.....	237 5 0	0 13 0
After 8 years' service.....	255 10 0	0 14 0
After 11 years' service.....	273 15 0	0 15 0
After 14 years' service.....	292 0 0	0 16 0
After 17 years' service.....	310 5 0	0 17 0
After 20 years' service.....	328 10 0	0 18 0
After 21 years' service.....	346 15 0	0 19 0
After 22 years' service.....	365 0 0	1 0 0
After 23 years' service.....	383 5 0	1 1 0
After 24 years' service.....	401 10 0	1 2 0
		Max.
Staff captains and staff commanders when in command of any of Her Majesty's ships to receive the same rate of command money as commanders.		
Allowance to the navigating officer of an iron-clad ship in which a commander is borne as executive officer, and to the navigating officer of coast or port guard ships only when the ships may be absent from their ports during the usual period of the annual cruise, or for target practice.....	45 12 6	0 2 6
	45 12 6	0 2 6
	to	to
Staff commanders of flagships.....	91 5 0	0 5 0
Store allowance to a staff commander, as well as to any other commissioned officer of or above those ranks when placed in charge of warrant officer's stores: <i>c</i>		
In first-class ships.....	73 0 0	0 4 0
In second, third, and fourth class ships.....	48 13 4	0 2 8
In sloops and smaller vessels.....	38 0 5	0 2 1
Store allowance to a staff commander when placed in charge of stores in a stationary ship, and which may be granted to any other commissioned officer in the absence of the navigating or of the warrant officers, maximum £30 a year, or such less sum as the Admiralty may determine. <i>c</i>		
Store allowance for charge of stores put on board for conveyance: <i>c</i>		
To a staff commander in command of a rated ship fitted and regularly employed as a storeship.....	73 0 0	0 4 0
In command of any other vessel fitted and regularly employed as a storeship or on any other special service, and to the navigating officers of such ships when in charge of stores, although not in command.....	48 13 4	0 2 8
Store allowance to a navigating officer or to any other commissioned officer of a small vessel when placed in charge of the victualing, clothing, and warrant officer's stores and accounts <i>c</i>	60 0 0	.....
"Junior service" allowed to reckon—navigating sublieutenant, acting navigating sublieutenant—under 5 years' service in senior rank, 2 years' junior service besides; under 8 years' service in senior rank, 4 years' junior service besides; under 11 years' service in senior rank, 6 years' junior service besides; above 11 years' service in senior rank, all junior service which is allowed to count.		
Chief inspector of machinery.....	730 0 0	2 0 0
Inspector of machinery.....	638 15 0	1 15 0
The inspectors of machinery in the steam reserves, whether they be chief inspectors or inspectors of machinery, to receive in addition.....	54 15 0	0 3 0
Fleet, staff, and chief engineers—		
*Under 2 years' senior service.....	255 10 0	0 14 0
After 2 years' senior service.....	273 15 0	0 15 0
After 4 years' senior service.....	292 0 0	0 16 0
After 6 years' senior service.....	328 10 0	0 18 0
After 8 years' senior service.....	365 0 0	1 0 0
After 10 years' senior service.....	401 10 0	1 2 0
After 12 years' senior service.....	438 0 0	1 4 0
After 14 years' senior service.....	474 10 0	1 6 0
		Max.
Engineers.....	164 5 0	0 9 0
After 3 years' service.....	182 10 0	0 10 0
After 6 years' service.....	200 15 0	0 11 0
After 9 years' service.....	219 0 0	0 12 0
The senior engineer of ships in commission with engines of 3,000 indicated horsepower and upward to have an additional 1s. a day.		
Assistant engineers, including those entered as acting assistant engineers on 1st July, 1888.....	109 10 0	0 6 0
After 1 year's confirmed service.....	136 17 6	0 7 6

a No navigating officer to be entitled to the rates of pay exceeding 15s. a day unless he shall have qualified for first-class ships for pilotage.

b Including junior service allowed to navigating officers.

c These allowances are not payable until authorized by the accountant-general on satisfactory accounts being rendered and passed in office.

Tables of the full pay and wages of the royal navy and of the royal marines when embarked—Continued.

II. FULL PAY—NAVIGATING OFFICERS AND OTHER BRANCHES—Continued.

Rank.	Year of 365 days.	One day.
	£ s. d.	£ s. d.
Assistant engineer, entered as probationary assistant engineer, on and after 1st July, 1888—		
On entry.....	109 10 0	0 6 0
With first-class certificate on confirmation in rank.....	136 17 6	0 7 6
With second-class certificate on completion of 6 months' service from date of confirmation.....		
With third-class certificate, provided he has passed very creditably in professional subjects, knowledge of engine-room duties, and practical workmanship, on completion of 9 months' service from date of confirmation....		
With third-class certificate on completion of 12 months' service from date of confirmation.....		
"Junior service" allowed to reckon—under 12 years' service in the junior ranks, nil; above 12 years' service in the junior ranks, one-third of the period in excess of 12 years. Officers passed over for unsatisfactory conduct or failure to qualify for promotion to the senior grade, but who may subsequently be promoted, shall not count their junior service between the dates of their being passed over and the dates of their promotion.		
The following regulations have been established by order in council of 7th August, 1894:		
A. Appendix XVII, page 976, of the regulations for the government of the naval service, to be amended by the substitution of the following rules for the scale based on indicated horsepower:		
In ships in commission, engineer officers in charge of the machinery will be allowed charge pay varying from 1s. to 9s. a day, the rate for each ship being determined by the Admiralty.		
In ships in the fleet and dockyard reserves, half the rates of charge pay and of senior engineer's allowance payable while in commission are to be paid to their engineer officers (but in vessels in which the full rate of charge pay is under 2s. a day, the rate of half charge pay payable to be 1s. a day) subject to the conditions laid down in article 1436.		
In torpedo boats in commission, engineer officers in charge of the machinery will be allowed charge pay at rates determined by the Admiralty.		
In torpedo boats in reserve, an engineer or assistant engineer in charge will receive charge pay at 1s. a day.		
B. The new system to take effect from 1st April, 1893, except in cases where provision to the contrary is expressly made herein:		
C. Any reduced rates awarded at the initiation of the new system only to come into force in the cases of officers appointed after the date of this order in council.		
D. Any increased rates awarded at the initiation of the new system only to be payable from the date of this order in council.		
E. In order to maintain a just proportion between the rates allowed for older and for modern ships it shall be open to their lordships to revise rates of charge pay upon occasions of commissioning or recommissioning.		
In a case where a vessel has not been in commission for three years the rate of half-charge pay to be liable to revision on the occasion of her engineer officer being appointed or superseded.		
F. In cases where the recent revision of the official record of horsepowers (e. g., in navy list) brings the indicated horsepower of vessels below 3,000, the senior engineer's allowance of 1s. a day hitherto paid to be continued until the supersession of the officer or engine-room artificer receiving it at the date of this order in council.		
Fleet, staff, and chief engineers of flagships.....	45 12 6 to 91 5 0	0 2 6 to 0 5 0

Mr. HEMPHILL. You were speaking about the expenses at home as compared with England. I have a case in mind where an admiral was ordered to New Orleans at the Mardi gras business. He was sent there at their request, and was delighted to go there, and he entertained while he was there. It was a pretty hard thing on his pocket, though, and it cost him about \$1,600. I cite it simply to show that we have home expenses under the orders of the Government. It was the same way at the Centennial at Philadelphia. It cost the officers there an immense amount of money out of their own pockets.

Mr. HILBORN. Could not we have a fund for that rather than increase the permanent pay of the officers to meet a certain high-water mark?

Mr. MCFARLAND. This question of the cost of entertaining was not advanced as a reason for giving Army pay to the Navy, but to show that, if there is any difference between the pay of the two services, the Navy pay should be the greater.

Mr. BODINE. Making a fund to cover that would increase expenses in many cases.

Mr. FOSS. I will read section fourteen:

SEC. 14. That upon the passage of this act the Secretary of the Navy shall appoint a board for the examination of men for the position of warrant machinists, one hundred of whom are hereby authorized. The said examination shall be open, first, to all machinists by trade of good record in the naval service; and if a sufficient number of machinists from the Navy are not found duly qualified, then any machinist of good character in civil life shall be eligible for such examination and appointment to fill the remaining vacancies. All subsequent vacancies in the list of warrant machinists shall be filled by competitive examination before a board ordered by the Secretary of the Navy, and open to all machinists by trade who are in the Navy, and machinists of good character in civil life authorized by the Secretary of the Navy to appear before said board; and where candidates from civil life and from the naval service possess equal qualifications the preference shall be given to those from the naval service.

Mr. HILBORN. Well, I suppose there is nothing to be said about that. Everybody has agreed on that.

Mr. MCFARLAND. Yes, everybody has agreed. If any information is desired the little footnote right below the section explains its object, and, as you gentlemen will all have these pamphlets, the reasons are given right there below.

Mr. FOSS. How many machinists have we to-day.

Mr. HEMPHILL. It is continually varying, sir. I should say four chief machinists in the large ships, and as many of the first class to the large ships, and about six second class to the large ships. So you would have fourteen aboard one of those large ships. The *Katahdin* has three chief machinists, three of the first class, and three of the second class. I cite two cases, one a large vessel and one a medium-sized vessel. So you can safely say they will average about eight to a ship, and that would be about three hundred and some odd machinists at the present time.

But we have to get more. That is one of our chief troubles in enlisting men at the present time—to get men well qualified to do those duties on board ship at the higher rating. We can get landsmen and coal passers, but it is difficult to get men who are competent to fill the higher places. That is very difficult.

Mr. FOSS. Are the machinists today warrant officers?

Mr. HEMPHILL. No, sir. They are what is known as petty officers.

Mr. FOSS. This will make them?

Mr. HEMPHILL. It will make some of them warrant officers.

Mr. MCFARLAND. The object of this section is to increase the rewards for men in these positions so as to induce them to enlist and to remain in the service more than one cruise. You see, at present, these enlisted machinists can not get any higher. This section is intended to give them the same inducement as the seamen class have who are permitted to become boatswains and gunners, who are also warrant officers.

Mr. HEMPHILL. In line with that I receive, I suppose, 20 letters a day from all parts of the country from machinists in civil life, who state that if this bill shall become a law they will enlist in the Navy and take their chances of becoming warrant officers.

Mr. FOSS. I have received a great many letters also on that line, and this particular feature in the bill covers that, does it not?

Mr. HEMPHILL. Yes, sir.

Mr. MCFARLAND. Yes, it is to hold out a reward to a man, who will enlist as a machinist, for continuous service and ability, so that after he has served two or three cruises he can be almost sure, if he is a good man, of getting one of these positions as a warrant machinist.

Mr. HEMPHILL. We have the same rewards now in the other grades of gunners and boatswains and carpenters and sailmakers. We are now taking them all from the people of the Navy, if possible.

Mr. FOSS. It might be well to state here the difference between a commissioned officer and a warrant officer; that question might come up.

Mr. MCFARLAND. The difference between the commissioned and the warrant officer as regards legal status is that the commissioned officer is appointed by the President by and with the advice and consent of the Senate, while the warrant officer holds an appointment from the President only. But, like the commissioned officer, the warrant officer can not lose his position except as a result of a court-martial. In other words, it is not a temporary position, but it is a permanent position during good behavior.

Mr. HEMPHILL. That, perhaps, can be expressed also in this way: That although there is this difference, that one holds his commission by the consent of the Senate and the President and the other is warranted by the President alone, yet the articles for the government of the Navy, which is the law, say no commissioned or warrant officer, putting them together, shall be punished other than in the following manner. So that although there is a difference in one respect, in another respect they are the same—as regards punishment and that sort of thing.

Mr. BODINE. How are their chances of promotion?

Mr. MCFARLAND. Their chances of promotion, of course——

Mr. HEMPHILL. In the case of a commissioned officer in his own corps he goes as high as that corps goes, provided he passes the examination and lives, or is not too old. With regard to warrant officers, they cease to be promoted when they reach the warrant grade.

Mr. MCFARLAND. But the warrant officer gets an increase of pay with increased length of service.

Mr. HEMPHILL. Yes; he gets an increase of pay; what is called longevity pay for length of service.

Mr. HILBORN. But no matter how distinguished service he renders he is but a warrant officer.

Mr. HEMPHILL. No——

Mr. MCFARLAND. I beg your pardon; the statute law provides that the President may confer assimilated rank on the warrant officers whenever, in his discretion——

Mr. HEMPHILL. But not real rank——

Mr. MCFARLAND. No, sir.

Mr. HILBORN. Has that ever been done?

Mr. MCFARLAND. No, sir; at least, I have never heard of a case.

Mr. HILBORN. So it is simply held out as a hope and nothing else?

Mr. HEMPHILL. It rests with Congress to give them real rank if they want to.

Mr. FOSS. I will read section 15:

SEC. 15. That the pay of warrant machinists shall be \$1,200 per annum for the first three years after date of appointment and \$1,400 per annum thereafter, and they shall be retired under the provisions of existing law for warrant officers. Warrant machinists shall receive at first an acting appointment, which shall be made permanent under regulations established by the Navy Department for other warrant

officers. They shall take rank with other warrant officers according to date of appointment, and shall wear such uniform as may be prescribed by the Navy Department.

Now, Lieutenant, have you any explanation to make in reference to that section?

Mr. MCFARLAND. I hardly think any is necessary, sir. It is perfectly evident what the section means. It may be necessary, perhaps, to explain this item: "Shall first receive an acting appointment." That is the rule that now exists for all warrant officers. You do not want to warrant a man about whom you do not know anything. You want to give him a chance so as to see what is in him, and then, if he is all right, he is given a permanent appointment, dating from his original entry.

Mr. FOSS. What are the provisions now——

Mr. HEMPHILL. There is no change.

Mr. MCFARLAND. No, sir.

Mr. HEMPHILL. It is exactly the same now.

Mr. MCFARLAND. I think they hold an acting appointment for a year.

Mr. HEMPHILL. Yes. Then, at the end of that time, they get a full warrant.

Mr. FOSS. There is no change, then?

Mr. HEMPHILL. None at all.

Mr. MCFARLAND. None at all. It is simply making the same provision for them that is made for the other warrant officers.

Mr. FOSS. I will now read section 16.

SEC. 16. That hereafter the term of enlistment of all enlisted men of the Navy shall be four years, and that all enlisted men of the Navy shall have all the privileges now granted by law to the enlisted men of the Army and Marine Corps: *Provided*, That at least fifteen years of the service of the enlisted men of the Navy shall have been in Government cruising vessels: *And provided further*, That section fifteen hundred and seventy-three, Revised Statutes, be amended to read: "If any enlisted man or apprentice, being honorably discharged, shall reenlist for four years within four months thereafter he shall, on presenting his honorable discharge, or on accounting in a satisfactory manner for its loss, be entitled to pay, during the said four months, equal to that to which he would have been entitled if he had been employed in actual service; and that any man who has received an honorable discharge from his last term of enlistment, or who has received a recommendation for reenlistment upon the expiration of his last term of service of not less than three years, who reenlists for a term of four years within four months from the date of his discharge, shall receive an increase of one dollar and thirty-six cents per month to the pay prescribed for the rating in which he serves for each consecutive reenlistment."

Mr. HEMPHILL. That is to encourage reenlistment.

Mr. HILBORN. It gives him one month additional vacation. I think it was three months before.

Mr. MCFARLAND. Yes, sir; it is just one month for each year's service.

Mr. HILBORN. Now let us see. I suppose that if Jack is going to enlist he will enlist for four years as well as for three years.

Mr. MCFARLAND. Yes.

Mr. HILBORN. That is an advantage to the Government?

Mr. MCFARLAND. Yes.

Mr. HILBORN. You give Jack, then, three months' vacation with opportunity to reenlist, three months in which to spend his money. You give him four years. That is right.

Mr. HEMPHILL. Just the same as an officer.

Mr. HILBORN. I see. Then you raise his pay instead of \$1 to \$1.36?

Mr. MCFARLAND. Yes, sir; that is to make it equivalent to the present allowance.

Mr. HEMPHILL. The total amount will be the same as under the present arrangement, so he would not suffer under that arrangement.

Mr. HILBORN. The only thing I would challenge in this is that I do not see any reason why Jack after thirty years' service should not be put on the retired list.

Mr. HEMPHILL. That is what it is meant to do.

Mr. HILBORN. I do not see why it should require that he should be thirty years on a cruising vessel. He can not select the vessel he will go to sea in.

Mr. MCFARLAND. Do you understand, Judge, that the intention of this paragraph is especially to guarantee to the enlisted men of the Navy the same privileges that the enlisted men of the Army now have after thirty years' service? That is what is meant by this phrase: "Shall have all privileges," etc.

Mr. HILBORN. I know; but you restrict it to so many years on ship.

Mr. FOSS (to Commander Hemphill). Do I understand that you have charge of the enlisted men?

Mr. MCFARLAND. Not only that, but he drew this section of the bill.

Mr. HILBORN. And I understand, also, that you are a member of the board?

Mr. HEMPHILL. Yes, of the personnel board, so called.

Mr. FOSS. I want that to go on the record.

Mr. BODINE. By whom was that appointed?

Mr. FOSS. By the Secretary of the Navy.

Mr. HEMPHILL. To begin with, the present law does not give the enlisted man the privilege of retiring, but in the Army he has that privilege. Hence this provision was put in so that enlisted men in the Navy will have all the privileges now granted by law to the enlisted men in the Army, which includes the privilege of retirement after thirty years of service. By making the term four years instead of three, and saying that the term of all enlisted men shall be for that time, it does away with what we now have—special service—such men doing duty aboard the receiving ships at naval stations and the Fish Commission vessels; but their term of enlistment is for one year, or in case of the Fish Commission, for the cruise of the ship. It debars them from the advantage of this continuous service and the corresponding increase of pay and all those privileges. Therefore, in order to have all men on the same footing, to give all the same privileges, it was thought best to do away with that special service, making the term of enlistment four years.

Now, having done away with that, and not having taken away the privilege of their having some of the soft billets, so called, this proviso was put in that they should spend at least fifteen years—or half of the thirty years—on absolute cruising ships. If, however, that can be spent in the coast survey or on a receiving ship, which is a soft billet, the other half certainly should be put in on cruising ships, and that is why that provision was put in. Doing away with the special service puts all men on the same footing so far as the advantage of the continuous pay and continuous service are concerned, which the special-service men can not enjoy now. But in order to cover the Government we had the fifteen-year business inserted there.

Mr. HILBORN. The other day somebody made a motion that the provisions be extended to all retirements among the officers and men, too.

Mr. HEMPHILL. At the end of thirty years?

Mr. HILBORN. That they must have been fifteen years on a cruising vessel; that is, a certain number of years.

Mr. BODINE. That is the provision now.

Mr. HILBORN. By this reasoning, why is not that applied to the officers?

Mr. HEMPHILL. Because the officer has more.

Mr. HILBORN. More what?

Mr. HEMPHILL. More sea service on cruising vessels. My sea service, for example——

Mr. FOSS. Now will you kindly continue with your explanation.

Mr. HEMPHILL. Then, as I say, in order to protect the Government, that fifteen years' service on cruising vessels was inserted. That gives them a chance for—these Coast Survey men and Fish Commission men and people on receiving ships—and gives them the advantage of a continuous-service certificate, and yet gives the Government their service on Government cruising vessels. So they could not all stay on special service.

With the four years' enlistment it gives a man the advantage of a setting-up trial and a shaking down of about six months. Then he goes on a cruise for three years and comes back and has six months more to serve if the cruise is not extended; but now, sometimes, as in the case of people in China, and who recently returned on the *Machias*, the man's term is extended for the simple reason that we have no way of getting him home, and hence the Government then has to undergo the expense of paying him one-fourth increase in wages. By having this four years' term six months at the other end of a three years' cruise gives him a chance of getting home before the term of enlistment expires, and saves the Government that one-quarter additional expense.

In the meantime you have the man, as I say, well equipped before he starts out. You give him a full three years' cruise, and then he comes home within the time of his enlistment, and under the present system he could be discharged two months ahead of time and go about his business and have his four months' leave and then go back again. So it was for the Government as well as for the benefit of the service that that was inserted.

Mr. FOSS. Now section 17 provides for an oath of allegiance, as follows:

SEC. 17. That the oath of allegiance now provided for the officers and men of the Army and Marine Corps shall be administered hereafter to the officers and men of the Navy.

Mr. HEMPHILL. That was merely quoting the law in regard to the Army and letting it apply to the Navy.

The officers of the Navy had to take the oath of allegiance when they entered the Naval Academy. The men, since the war, have never taken any oath of that kind. They make a contract with the Government but they do not take any oath of allegiance. They make an oath to this, that they are telling the truth when they give their age and that they have or have not been in the service before. That is to prevent deserters reenlisting, which is against the law. That is the only oath that the men in the Navy now take.

Thereupon the committee adjourned.

COMMITTEE ON NAVAL AFFAIRS,
Tuesday, April 12, 1898.

The Committee on Naval Affairs this day met for the purpose of resuming its hearings on the naval personnel bill, Hon. Charles A. Boutelle in the chair.

STATEMENT OF COMMODORE A. S. CROWNINSHIELD, CHIEF OF
BUREAU OF NAVIGATION.

The CHAIRMAN. Commodore, the committee would like to get some of your views in regard to this measure, and I will ask you first if this measure is universally approved in the service as far as you know?

Commodore CROWNINSHIELD. I do not think it is.

The CHAIRMAN. Is the approval and dissent from the provisions of the bill confined to any particular lines of rank or section of naval officers?

Commodore CROWNINSHIELD. I should say that the officers who approve the measure, speaking generally, are more particularly the younger officers. I do not think that the older officers do approve of it. The younger officers have taken a more active interest in it and are pushing it. Those who are not in favor of the bill are not actively opposed to it; I think they are indifferent about the bill. I think that I might class myself among that number. I was a member of the board which considered this matter, and as a result of our consideration this bill was prepared. There were one or two features in it that I opposed, but the bill as a whole seemed to me to contain matter that as a whole I thought perhaps it was desirable to have, and for the good that was in the bill I was willing to forego my objections to certain parts to which I objected.

The CHAIRMAN. What were the parts which you disliked or which failed to meet your approval?

Commodore CROWNINSHIELD. Well, I argued against that combination of the engineers and the line as finally proposed, and I will state very briefly what my position is. I do not object to the engineers, the young men particularly, becoming line officers, providing they perform all the duties of the line, and which I think they can perform pretty well, for they have all been educated at the Naval Academy. I do, however, object to the older engineers becoming line officers, because I do not think they can perform the duties of the line.

I believe as a principle that titles should convey an idea of a man's duties. If they fail to do that then they are a misnomer, and I do not believe in anybody's receiving a line title unless he is performing the duties of a line officer, and simply because he wants a line title I do not think there is any reason why he should have it.

The CHAIRMAN. In other words, if I understand your view about that, as far as titles are concerned, the contention having been very strenuously made that the Navy was going through an evolution that was all the time toward the mechanical side, that you would not believe in calling all the officers engineers of different grades——

Commodore CROWNINSHIELD. And I have——

The CHAIRMAN (continuing). Starboard side engineers and port engineers when they were doing line officers' duty?

Commodore CROWNINSHIELD. Then I have always had a doubt in my mind whether it would be as well performed if you have a line officer and engineer performing the same duties indiscriminately, because,

on general principles, this is the age of specialists, and therefore I have had a doubt in my mind whether you could get—for example, take a line officer. Suppose he stays two or three years on shore performing a line officer's duty, such as is customarily performed on shore in the Navy Department, or navy-yard, or Naval Academy. He goes to sea and he is put in an engine room, under the provisions of this bill, in charge of the engines. He is not performing line officer's duty, but engineer's duty. He makes a three years' cruise and he comes back on shore a couple of years, and he goes to sea and is assigned to line officer's duty. Now for seven or eight years he has performed no line officer's duty; and the converse is quite true in regard to engineers, consequently I should doubt very much whether you would get quite as good work out of the men.

The CHAIRMAN. I will say to the committee that this is rather remarkable in a way. I have not had any conversation with Commodore Crowninshield, but I had some idea from a remark he dropped here when we had this matter of machinists up that he was not entirely satisfied with this bill and that he has some hesitation about this bill. I want to ask if you think it is reasonably probable if we take 50 or 100 men and train them in a general duty which shall embrace all the duties now performed by line officers, and superadd thereto the duties of engineers and they shall alternate in the service one to another, do you think it is possible or probable that we could get in the engineer division for instance that same development of professional skill we could from a man who devoted himself to that profession, and made it the business of his life?

Commodore CROWNINSHIELD. No, I do not.

The CHAIRMAN. Is not all experience rather against that?

Commodore CROWNINSHIELD. It is all against it, I think.

Mr. FOSS. Can I ask you this question? Do you not think at the present time, with the present development of the battle ship, he should know more than he does at the present time about engineering in order to command thoroughly the ship?

Commodore CROWNINSHIELD. My experience is that line officers do know a great deal about engineering. They do not know as much as the engineers, but they know enough of it to handle the subject and direct it. I think there is a misconceived idea about the ability of the line officers to do engineering duty. There are a few of them, and I have seen some who were very capable engineers and born, I think, to be so; it comes natural to them, and there are certain ones who probably can do as good work as the engineers and are capable of taking charge of engines, but I do not think that all line officers are so.

The CHAIRMAN. It will not be likely they develop the same degree of skill and proficiency if they were engaged in engineering work a portion of the time and were obliged to keep an equal degree of efficiency in the duties of a line officer, too?

Commodore CROWNINSHIELD. It does not appear to me they would. I think the duties of a line officer have been constantly increasing and they have become very much more diversified than they were twenty years ago. That is particularly true in regard to electricity, which has been introduced in the Navy in the last ten or fifteen years so extensively.

Mr. DAYTON. Under the present regulations, is it not true that boys without any experience were assigned to the two different divisions of the line and staff, without any practical test of their natural bent, and that there are many engineers who have no natural bent in that direc-

tion, and there are line officers who should have been engineers; and under this bill, and a wise adjustment of it under the assignments made by the Department, a better division could be assigned—that is, those who are naturally engineers could be assigned to that work, and those who are peculiarly fitted for the duties of line officers in that division could be assigned to those duties much more readily than they can be now under the arbitrary division which makes an engineer an engineer for his life and a line officer a line officer for his life?

Commodore CROWNINSHIELD. A man who is made an engineer officer for his life by his natural ability is going to devote himself to that subject and that profession.

Mr. DAYTON. That is true——

Commodore CROWNINSHIELD. It is his business to become proficient in it and it is the duty of the board of examination to know whether he is proficient or not in it, and the officer under whom he serves.

Mr. SOUTHARD. I understand when this amalgamation has taken place that no officer of superior rank will act as engineer under a commanding officer of inferior rank?

Commodore CROWNINSHIELD. No.

Mr. SOUTHARD. That is, the ranking officer will command the ship?

Commodore CROWNINSHIELD. Yes.

Mr. SOUTHARD. Now it seems to me that if that is so this combining of men in two positions at discretion, allowing a man who has natural talent in engineering to remain at engineering duty, would be merely a matter of words?

Commodore CROWNINSHIELD. I think that if this bill became a law in a little while you would have the men drawn in two lines, one doing line-officers duty and the other doing engineers duty and become separate, and they would become practically almost like two separate corps.

The CHAIRMAN. I do not see how you can avoid it?

Commodore CROWNINSHIELD. That will be the actual outcome of it, I think.

Mr. DAYTON. You were a member of the board which prepared this bill?

Commodore CROWNINSHIELD. Yes, I was.

Mr. DAYTON. And your vote was in favor of this amalgamation. Would you tell us your reasons for doing so?

Commodore CROWNINSHIELD. I gave my dissenting views. I submitted my objections in writing to the board, but, partly for the sake of the harmony I have heard so much talk about, and partly for the good features which are in the bill, I agreed to it. But, as I said in the first place, or intended to say, I have not taken a very active interest in it.

Mr. SOUTHARD. Do I understand you to say you passively acquiesced in it; that you did not oppose the bill owing to its many good features, perhaps a great many more than the disadvantages contained in it?

Commodore CROWNINSHIELD. Yes; and I am only stating what I told the board.

Mr. DAYTON. Will you tell us whether you think under this bill the arrangement will be a better one?

Commodore CROWNINSHIELD. Taking the bill as a whole?

Mr. DAYTON. Yes.

The CHAIRMAN. He says he favors the bill as a whole because of some features which have a preponderance of merit.

Mr. DAYTON. Do you know of any better way of correcting the evils which exist than the one which is presented in this measure now?

The CHAIRMAN. He said a while ago——

Commodore CROWNINSHIELD. I think the evils have been exaggerated myself; they never appeared to me so great.

The CHAIRMAN. You mean the existing evils?

Commodore CROWNINSHIELD. The line officers have not regarded them as evils, but the engineers have, who think they should rank with the line officers. Our Navy is run as the British navy and every other navy, and nobody else has ever taken such a departure as this step.

The CHAIRMAN. Has there been any other experiment of this kind tried in any other navy?

Commodore CROWNINSHIELD. I have never heard of such a thing.

The CHAIRMAN. Do you think a proposition of this kind would be favorably received in the merchant marine?

Commodore CROWNINSHIELD. It would not be possible to do it.

The CHAIRMAN. Such as alternating the captains of the ships with the engineers?

Commodore CROWNINSHIELD. No; I do not think so. I do not think it would be possible to do it.

The CHAIRMAN. Do you think it would be as easy to get a cargo and ship insured under a system of that kind as it is now?

Commodore CROWNINSHIELD. I have never been in maritime business, but I should doubt it.

Mr. HURLEY. I should say with a man trained, as a man would be after graduating with four years at Annapolis for both professions, that it would be all right with the insurance companies.

The CHAIRMAN. In the trans-Atlantic trade?

Mr. HURLEY. Yes.

The CHAIRMAN. I do not believe it.

Mr. DAYTON. That is a question of a difference of opinion. Let us get the Commodore's position, because I want to know, and do not want him to be misrepresented by any of us. I understood you to say awhile ago, in answer to my question, that because of certain features of the bill you preferred it to the present arrangement, and therefore you voted for it?

Commodore CROWNINSHIELD. The bill as a whole—that is, taken as a whole; but there are certain features of the bill I do not like.

Mr. FOSS. Right there, will you not kindly point out in the bill to what features you object?

The CHAIRMAN. One is in regard to amalgamation.

Commodore CROWNINSHIELD. I have strenuously objected to such an extensive amalgamation, an amalgamation which took in and gave out titles to the older engineers who still perform engineering duties. As I stated in the first place, I do not object to the engineers becoming line officers, at least I have not any great objection, providing they perform the duties of line officers, but I feel jealous of my title and rank, because my title and rank are indicative of the duties I came into the Navy to perform, and so is the engineer's title, and I insist that so long as he performs engineering duties he should retain an engineer's title. If he gets a line officer's title, he is passing himself off for something he is not, just as the United States Senate would object to the clerk of the Senate being called a Senator. The clerk of the Senate might ask to be called a Senator because from his point of view it gives him more consideration, but certainly he could not be called a Senator.

The CHAIRMAN. Because it would not convey a proper idea of his functions?

Commodore CROWNINSHIELD. Yes, sir.

The CHAIRMAN. Do you believe, taking the average, and that is what we have to consider, of a series of years that a line officer would be as likely to develop himself for the duties of a line officer if he would be subject from time to time to be called away and detailed for considerable periods and devote himself absolutely to engineering work?

Commodore CROWNINSHIELD. I do not, because just as I stated there might be a period of six or eight years when he performed no line officer's duty.

The CHAIRMAN. Has it been your experience that men when they go away from their former avocation in that way, and devote themselves exclusively to other duties, are likely to retain the same proficiency that they would had they kept up their connection with their original avocation?

Commodore CROWNINSHIELD. Speaking generally, I should say not. Of course I have not had any experience with such a situation.

The CHAIRMAN. Of course we can not compare a phenomenal case, because there are exceptional geniuses.

Commodore CROWNINSHIELD. As I stated before, there are a good many line officers who have a mechanical talent.

The CHAIRMAN. If we take a cadet from the time he leaves the academy, assuming he had the same education as another cadet, and we wanted to develop that man to the highest possible degree in the duties of the command and management of a ship and the fighting of a ship, and all that sort of a thing, would you think it was an advantage to him to detail him from six to seven years to act in the profession of mechanics entirely and segregate him altogether from the duties of navigating and directing a ship?

Commodore CROWNINSHIELD. No; I certainly would not. And take the converse of that, take an officer who is doing line officer's duty, navigating duties, watch officer's duty, perhaps commanding a small ship for six or seven years before you send him to the engine room. Does anyone suppose he is going to have proper knowledge of the ship? I do not believe so myself, and be as good as the man who has been devoting himself to it right along.

The CHAIRMAN. That is the very objection that has developed in this bill, in my mind. I asked this engineer here the other day—who was he? I asked Mr. McFarland if he regarded this bill as abolishing this engineer corps. I certainly do.

Commodore CROWNINSHIELD. What did he say?

The CHAIRMAN. Well, at first he wanted to qualify it and gave it another name, but I think he finally admitted it did abolish the corps.

Commodore CROWNINSHIELD. I understand it abolishes it.

The CHAIRMAN. And puts the present engineers in the general line, who have more or less engineering duties to perform, but they are no more engineers than line officers, so they can not be a distinct engineer corps.

Mr. DAYTON. You said a minute ago, if I may be permitted to ask another question, that one reason why you objected, and the strong reason, as I understood you, to the amalgamation—the excessive amalgamation—was because you were jealous of your rank. Do you think it is fair that a man who has the appointment and goes through the same course at Annapolis that you did, side by side with you, who ate with you and who slept with you during that term, that he should be

arbitrarily placed in a position below you and that he should not have as good a rank or the same rank as you?

Commodore CROWNINSHIELD. I did not state anything of that kind. I suppose your question is based on that. In the first place, when I was at the Academy we had no engineers there. I said my objections, at the time I was stating my objections, were against men having my rank and title who were not line officers; I most decidedly object to that.

Mr. DAYTON. These men have gone through the same course as you with the exception of during the civil war, is that true?

Commodore CROWNINSHIELD. This came up long after the civil war. I do not understand the question of their being below me.

Mr. DAYTON. These engineers you speak about had the same training, substantially, in the four years' course—one year, I understand, is different—that you had?

Commodore CROWNINSHIELD. At the present time they have, but they had not when I was there.

Mr. DAYTON. The only exception is a certain number enlisted during the war and remained in the service, is that true?

Commodore CROWNINSHIELD. This system of educating engineers began some years after the war, at the Naval Academy; before that they were taken in from civil life.

Mr. DAYTON. There are some line officers who also enlisted during the war from civil life.

Commodore CROWNINSHIELD. There are a few.

Mr. DAYTON. Who have the same title you have?

Commodore CROWNINSHIELD. Yes, sir; and they are line officers.

Mr. DAYTON. There is no jealousy existing between you and them?

Commodore CROWNINSHIELD. No, there is no jealousy existing between myself and the engineers except so far as they want my title.

The CHAIRMAN. Is not your position this, that you regard the titles as indicative of the duties?

Commodore CROWNINSHIELD. Yes, of the duties.

The CHAIRMAN. It is perfectly plain to anybody who knows anything about military life that the commodore's position is simply that he holds a doctor should not be called a paymaster and that a lieutenant should not be called an engineer.

Mr. SOUTHARD. There is such a thing in existence, in name at least, as relative rank?

Commodore CROWNINSHIELD. Yes, sir.

Mr. SOUTHARD. Now, has that any further significance than this—to determine the position socially and in conventional proceedings, such as courts-martial and the like? Is there any other significance?

Commodore CROWNINSHIELD. That gives them no authority except among themselves.

Mr. SOUTHARD. And gives them position relative to a line officer?

Commodore CROWNINSHIELD. In courts-martial, board proceedings, and things of that kind.

Mr. SOUTHARD. And socially?

Commodore CROWNINSHIELD. Yes, socially, if you want to construe it that way.

The CHAIRMAN. Do I understand properly Mr. Southard's statement that under this bill when it is put into operation under its provisions the senior officer on board ship will be the commanding officer of the ship?

Commodore CROWNINSHIELD. Yes; I think it would be under the provisions of the bill.

Mr. SOUTHARD. That is with the engineers?

Commodore CROWNINSHIELD. But the bill provides that the older engineers shall not go to sea.

The CHAIRMAN. If a vessel is sent to sea; I am speaking about——

Mr. SOUTHARD. Except exceptional cases?

The CHAIRMAN. If a ship should be sent to sea under a special commander and he has an executive officer who is a lieutenant, and the engines of a ship are in charge of a chief engineer who will be called something or other—but we will say the chief engineer has the grade of commander or lieutenant commander—that if the captain should die or be taken from the ship in any way the chief engineer comes out of the engine room and takes charge of the ship?

Mr. SOUTHARD. Certainly.

The CHAIRMAN. If any man living can conceive that that will be a desirable system his mind works differently from mine.

Mr. SOUTHARD. That is the view entertained as I get it by all the engineers, that the senior in rank will be the commander of the ship and no instance will occur where an officer of superior rank to the commanding officer will be in charge of the machinery.

Commodore CROWNINSHIELD. That would occur after this bill became a law, and then they will all be line officers.

The CHAIRMAN. But that does not change the fact. Is it an extraordinary thing for a succession of command to occur on board ship?

Commodore CROWNINSHIELD. No, that is not unusual. If this bill becomes a law, that will be all right; the man in the engine room who happens to be the senior one comes up and takes command, because he will be a line officer.

Mr. SOUTHARD. I was asking these questions, not with a view that it might not be all right, but to determine what would be the ordinary and usual practice, and my recollection is Mr. McFarland and Lieutenant Key both concurred in that view, that an instance could never arise under the provisions and operations of this bill where the senior officer in rank would not be the officer in command of the vessel?

Commodore CROWNINSHIELD. The senior officer would certainly be in command of the vessel, but it would be dependent upon the detail somewhat originally made. Now, if the executive officer was the next in rank to the captain he would certainly succeed the captain. If it happened that a man performing the duty of chief engineer (they would be all line officers), if he was the senior of the executive officer, if the captain died or was disabled he would succeed naturally, the line of succession being in the line (and they are all line officers), and he would have to give up his engineering duties.

The CHAIRMAN. I do not see how it would be possible to frame this law in any other way, because if not there would be nothing in the amalgamation?

Commodore CROWNINSHIELD. Unless the Navy Department was always careful that the executive officer should be next in rank to the commanding officer.

The CHAIRMAN. That would not provide against it, because both may be disabled; the fact would remain as an inherent part of the bill.

Commodore CROWNINSHIELD. There is no reason they should not, provided they are all perfectly capable of performing the duties of a line officer, one with another, and if you assume that, it is all right.

Mr. BUTLER. Let me see if I understand the last statement of the commodore.

(The statement was read.)

Mr. SOUTHARD. I understood this to be the justification of that system, that the greater skill of the engineer was not manifested in the mere running of the engines of the ship, and that there would be no occasion for the exercise of any wonderful skill in the matter so far as the duties of the engineer were concerned, but he would be a line officer and that there would be no friction or no detriment to the service coming from the fact he was also a line officer and an engineer. Under this system all line officers would be amply able and skillful in the matter of superintending the running of the engines of any war ship.

Mr. CUMMINGS. Let me make one remark. He said they would be all line officers if at the end of two years they passed as line officers.

Mr. SOUTHARD. You mean the present line officers?

Mr. CUMMINGS. I mean the present engineers.

Commodore CROWNINSHIELD. They would become——

Mr. CUMMINGS. At the end of two years they must pass an examination the same as a line officer to show they are competent to be line officers, and unless they do that they would not be line officers.

Mr. SOUTHARD. That is perfectly correct.

Commodore CROWNINSHIELD. As I said before, I think the line have all they can attend to now.

Mr. SOUTHARD. Without becoming engineers?

Commodore CROWNINSHIELD. Without becoming engineers.

Mr. HILBORN. The line officers do not have to pass any examination?

Commodore CROWNINSHIELD. I do not understand by the bill that they do have to pass any examination.

Mr. HILBORN. And it is only the engineers who have to pass the examination to get into the line?

Commodore CROWNINSHIELD. Yes.

Mr. CUMMINGS. They pass their examinations when they graduate at the Academy as line officers?

Commodore CROWNINSHIELD. They pass an examination in engineering—a certain amount of it.

Mr. FOSS. But this bill does not contemplate any further examination in engineering upon the part of the line officers?

Commodore CROWNINSHIELD. No; I do not understand that it does.

The CHAIRMAN. What assurance have we that the line officers will be competent to be put in charge of great engines—just because they have graduated at the Academy?

Commodore CROWNINSHIELD. To my mind there is a great deal of doubt whether they will know enough to do it. Now there are a few who could perform the duties acceptably and satisfactorily, but a great many others would have to depend upon the machinists.

The CHAIRMAN. How did the engineers agree to that?

Commodore CROWNINSHIELD. My opinion is, without knowing how their minds worked, they agreed to it in order to obtain the line title. That is my own view and that is all. I think they were willing to forego that feature of it.

The CHAIRMAN. My attention has never been called to that feature before, that the line officers were to be put in charge of the engines without examination at all as to their fitness. Anyone who goes into an engine room of a ship like the *Iowa* or the *New York* certainly becomes very much impressed with the idea that a man ought to have considerable training.

Mr. FOSS. I understand that the line officer of the future will have to have more engineering.

Commodore CROWNINSHIELD. In the future they will get along better——

Mr. FOSS. Than to-day.

Commodore CROWNINSHIELD. But suppose a line officer passes six or seven years without doing any engineering work, as he may and as he undoubtedly will; suppose he is in the navy-yard or at the Naval Academy or at the Navy Department for two or three years. Then he goes to sea as a line officer, as a navigator, and has nothing to do with engines at all. He goes as executive officer or watch officer, and then he comes ashore and stays two or three years more, say seven years in all. Then he goes to sea and he goes into the engine room, and to my mind he is not very well fitted for the job. I think about the average man of common sense—take myself for instance; I take an interest in machinery, and when a thing is explained to me I understand it, and I have inspected engine rooms and all that, but I should feel myself very far from competent to go down and take charge of a lot of machinery. Certain men can do it, but a great many others can not, in my opinion.

The CHAIRMAN. Do the ordinary duties of a line officer, a watch officer, a deck officer, take him into the engine room among the machinery to any extent?

Commodore CROWNINSHIELD. The cadets, the young men, are obliged to perform a certain amount of watch duty in the engine room at sea.

The CHAIRMAN. How long has that been?

Commodore CROWNINSHIELD. For some years.

The CHAIRMAN. But with the regular officers of the ship, the man who is a lieutenant-commander, or the executive officer?

Commodore CROWNINSHIELD. No, sir; they are not obliged to go into the engine room.

The CHAIRMAN. So a man who was assigned to a tour of duty as a line officer for a number of years would not necessarily be called into any special intimacy with the machinery?

Commodore CROWNINSHIELD. Not with the motive power of the ship. Of course, there are mechanical devices, and a certain amount of machinery is connected with our gun carriages, turrets, etc.

The CHAIRMAN. But I speak of the motive power of the ship.

Commodore CROWNINSHIELD. Yes, sir.

The CHAIRMAN. That is more mechanical than engineering?

Commodore CROWNINSHIELD. Yes; a watch officer might go a year without going into the engine room.

The CHAIRMAN. So the chance would be after a man spent a tour of service in the line that he may not be very familiar with the latest fashion of engineering construction and working as a man who had been steadily at that?

Commodore CROWNINSHIELD. A line officer to-day has a great variety of subjects to take charge of.

Mr. FOSS. What are they, may I ask? Could you state in a general way under the general heads?

Commodore CROWNINSHIELD. They have to stand their watch at sea and they are responsible for the navigation of the ship. They have to do navigating duty at sea. They are responsible for the drilling of the men and the instruction of the men. They have charge of electricity on board of ship, the dynamos and all electrical appliances, and of course the older ones are responsible for the command of the ship and discipline of the ship, and organization of the ship and the cleanliness and the policing of the ship and a great many other things I can not

recall now, but if you will look at the naval regulations you will see a pretty long list of the duties.

On shore they do ordnance duties. The line officers designed everything in that gun factory down here, and it takes a great deal of study to develop that up to the point it has gone; they have to do with the designing of guns and the building of guns, and they are put in charge of and do a great deal of work at navy-yards in the equipment of ships, etc.

Mr. SOUTHARD. Must they also prepare their men for military duty?

The CHAIRMAN. You mean landing parties?

Commodore CROWNINSHIELD. Oh, yes. Our officers have to be thoroughly conversant with military matters; that is, as far as the organization of landing force, companies, brigades, battalions, etc., are concerned.

The CHAIRMAN. And they have everything to do with providing boats properly and getting them under sail, to take the men on shore and land them in the surf and landing (?) them after they get on shore; they have all those duties?

Commodore CROWNINSHIELD. There are a great variety of things that the line officers are in charge of in the Navy.

Mr. HILBORN. In other words, a commanding officer now has got to know all that Farragut knew, and he has got to know a great deal more?

Commodore CROWNINSHIELD. He has either got to know it or else he is supposed to know it. Some men do not remember all they have known.

The CHAIRMAN. But there is always a residuum that forms experience?

Commodore CROWNINSHIELD. They have all been through it.

The CHAIRMAN. In addition to those duties——

Commodore CROWNINSHIELD. They have surveying, that is another duty.

The CHAIRMAN (continuing). They are required to be thoroughly familiar with the coast line and harbors?

Commodore CROWNINSHIELD. All pilotage, of course.

The CHAIRMAN. And the navigation of a ship?

Commodore CROWNINSHIELD. All kinds of navigation, deep water navigation and coastage.

The CHAIRMAN. Would you regard it as an advantage to the Navy for an officer of the Navy in addition if, for instance, what is going to be imposed upon them by this bill, this liability to be detailed for any particular service, engineering, or ordnance, or deck service—would it be likely to add to their efficiency if a lot of other special duties like that of the Treasury Department were devolved upon them, if they were liable to be detailed for four or five years to the Treasury Department to deal with accounts, etc., and thus take them away from their other duties?

Commodore CROWNINSHIELD. No; I should not think so; I should not think it would add to their efficiency——

The CHAIRMAN. In other words, my question is in the line——

Commodore CROWNINSHIELD [continuing]. To turn their attention to something entirely different from the ordinary work of their profession?

The CHAIRMAN [continuing]. Whether, in your judgment, the rule and law of specialities, as recognized to-day, does not apply to the navy personnel as to every other organization of men?

Commodore CROWNINSHIELD. I think it certainly does apply. This

is the age of specialties. There are a dozen different kinds of doctors, a dozen different kinds of painters—portrait painters, landscape painters, marine painters, etc.

Mr. DAYTON. If I may ask the question, I would like to have you state what are the advantages which caused you, notwithstanding your objections to some of the features of this bill, to favor it, as you have stated, passively, at least.

Commodore CROWNINSHIELD. One of the principal advantages was that it would go to equalize the pay of the Navy, and the line officer, who is now getting about the least pay, I think it would help him to get more; that it would give the line officer more pay, which is a very important part of it. That feature of the bill in regard to enlisted men I thought was a very good thing. I see no reason why the enlisted men of the Navy should not be on the same footing as the enlisted men of the Army and Marine Corps. I do not know that they are made of different meat from those people, but they are treated very differently. I am very anxious to have them given the benefit of the thirty years' retirement that the Marine Corps have, and in the matter of the pay of the Navy, the line officers, particularly, are at the tail of the procession. Over and above it all I was willing to give it a trial for the sake of the harmony I have heard so much about.

Mr. FOSS. I want to ask you if the provisions of the bill will not effectually relieve the so-called "hump?"

Commodore CROWNINSHIELD. Well, yes; I rather think it would. I think it is pretty stringent. I think it is a pretty stiff sort of a measure to put men arbitrarily on the retired list.

Mr. SOUTHARD. It makes it more expensive to the Government?

Commodore CROWNINSHIELD. Yes; it makes it more expensive, I believe.

Mr. HILBORN. This introduces a system of selection in order to relieve what is known as the "hump?"

Commodore CROWNINSHIELD. Yes.

Mr. HILBORN. Upon what particular grade of officers will that fall most heavily?

Commodore CROWNINSHIELD. Upon the grade of lieutenant-commander and some commanders, I think, the lower part of the grade of commanders.

The CHAIRMAN. I thought it hit the captains?

Commodore CROWNINSHIELD. They are not exactly in the hump, the so called hump, that takes in the grade of lieutenant-commander and commander, those men entering from 1861 to 1868——

Mr. SOUTHARD. Some of them have not advanced that far; they are lieutenants, are they not?

Commodore CROWNINSHIELD. No. There may be three or four still left of the class that entered in 1865 that graduated in 1869. They are nearly all promoted. A great many were promoted to lieutenant-commanders, but all 1868 men are promoted to lieutenant-commanders.

The CHAIRMAN. I understood the other day, in reply to a question I asked the gentlemen who were here giving testimony, that the selection was going to strike these captains of the line pretty heavily?

Commodore CROWNINSHIELD. Yes, it is. I thought your question, Mr. Hilborn, referred to what we in the Navy speak of as the "hump." It will strike some captains; it will strike all grades that——

The CHAIRMAN. I got the impression from what was said the other day that it struck the list of captains most heavily.

Mr. FOSS. Section 9 provides that not more than 5 captains, etc., are so retired in any one year?

Commodore CROWNINSHIELD. Then the greater number applies to captains.

The CHAIRMAN. They retire more captains arbitrarily than they do any other grade. What interested me, Commodore, was the fact it would seem that this bill in its operation would deprive the Government arbitrarily; that its selection out of the service and involuntary retirement would fall most heavily upon the corps of officers that to-day, for instance, are as useful as any officers I know of in the service, perhaps the most so.

Commodore CROWNINSHIELD. The idea of the bill in that respect was that a certain number must be sacrificed for the good of the whole in order to keep the overflow promotion going on.

The CHAIRMAN. I understand that; but it occurred to me it might be a proper subject of criticism that the measure was so framed that in its practical operation it eliminated men from the service who are the most valuable to the Government, because after all it would seem the Government has got an interest in this thing. It is paying these men and has educated them and ought to have the service of the most skillful and valuable men, and that, it seems to me, is a criticism upon this act that this selection out was going to be exercised most freely among a corps of officers who according to their assignment to-day would certainly seem to be the most valuable officers in the service?

Commodore CROWNINSHIELD. As a matter of fact, at this moment I do not recollect how those numbers were derived. There was a subcommittee appointed which worked that out, but I could not say just exactly how they arrived at those numbers.

The CHAIRMAN. The captains' list suffers the most. Nearly all the commanding officers of our most important ships are on that list.

Commodore CROWNINSHIELD. Yes. It is not in accord with my idea of selection.

Mr. DAYTON. What was your idea?

Commodore CROWNINSHIELD. In the first place, I am not a believer in selection; but if you are going to have selection, I believe we ought to select young men out instead of the older men. That is what they do in the British navy. We do that at the Naval Academy, and select a good many out of the fourth class. We select a less number out of the third, and by the time you get to the first class you have practically gotten rid of everybody who is not able to be put in the service, and there is scarcely anyone taken out of the first class, and I believe it is best to eliminate in the lower grades, and after you get up to a certain grade then I would take the seniority.

The CHAIRMAN. Under the present system the rejection is entirely in the upper grade?

Commodore CROWNINSHIELD. Yes, sir.

Mr. MEYER. Does it not extend to the list of lieutenants?

Commodore CROWNINSHIELD. You can have a system of retirement not altogether based on age. You can have a system based on length of service in the grade or upon a man's age in a certain grade. For instance, if a man is not promoted to a commander when he is 40 years old you could retire him.

The CHAIRMAN. Would it not be perfectly feasible to have a system of examination for promotion so rigid that it would weed out more of the younger men?

Commodore CROWNINSHIELD. The examinations are very rigid now. The CHAIRMAN. Just as it weeds them out at the Academy?

Commodore CROWNINSHIELD. They weed them out now.

The CHAIRMAN. They do not have any trouble of keeping them down at the Academy?

Commodore CROWNINSHIELD. Yes, that is true; but by the time a man graduates from that Academy he has had such a good education that he can pass most any examination that comes along, provided he has devoted himself properly to his profession during the intervals between his examinations and the time he left the Academy.

Mr. DAYTON. The examinations, too, of the older man would frequently be harder for him to pass than the younger man?

Commodore CROWNINSHIELD. Yes, sir; if you examine him on the same subjects. I am frank to confess I could not pass lots of the examinations line officers are given nowadays. I could not do it.

Mr. MEYER. As they advance in grade and years are not the examinations with regard to more practical duties than these more technical subjects which are applied at the Academy or in the examination of the younger officers?

Commodore CROWNINSHIELD. Yes. In the upper grades the examination consists largely in looking at a man's record.

Mr. MEYER. While I do not want to divert you from this special line of examination, I would like to ask this question. You said a little while ago you favored the amalgamation of the line and engineer corps because it would produce harmony. That is one of the reasons. Do you mean by that that it will produce such a degree of harmony that it will promote the efficiency of the service, or is it that kind of harmony which simply promotes the comfort and happiness of the elements of the contending factions?

Commodore CROWNINSHIELD. I do not believe it would promote harmony in the sense of promoting the ability of the officers to perform all these duties. I meant it would promote harmony which would stop the engineers from continually asking for what up to this time they have never got; that, is the line titles.

The CHAIRMAN. If you will allow me—I do not want to intrude, but General Meyer's question places the Commodore's statement a little more positively than he made it. It would make him appear he was affirmatively in favor of the amalgamation of the two lines. He stated the reason he reluctantly acceded to it, among other things—

Commodore CROWNINSHIELD. Was to give an opportunity for the trial of this harmony.

The CHAIRMAN. And he stated he filed his objections to it at the time and that he was not in favor of it.

Mr. MEYER. Yet from the fact you acceded to it, that reason would to my mind be some argument that you think, taking all things into consideration, it is better to adopt this than otherwise?

Commodore CROWNINSHIELD. Provided everything is adopted in the bill, because, as I stated, the bill contains other features which I thought it was very desirable to pass.

The CHAIRMAN. It is your judgment that this system of amalgamation will be likely to promote the efficiency of both the line and engineer service?

Commodore CROWNINSHIELD. No; I do not. I think you might produce harmony without producing increased efficiency.

The CHAIRMAN. But what I mean is, do you think that the highest interests of the service in developing the greatest skill and ability in

the line officers in their duties and the greatest proficiency in the engineering department is likely to be promoted by this amalgamation?

Commodore CROWNINSHIELD. No, I am not of that opinion.

Mr. DAYTON. Do you have any idea to what extent your associates, for instance, in the Navy Department, down here, agree with that view of yours?

Commodore CROWNINSHIELD. Well, I should say that half or two-thirds of the officers are in favor of the bill.

Mr. DAYTON. Of line and engineers—the engineers are all in favor of it?

The CHAIRMAN. No, I guess not all.

Commodore CROWNINSHIELD. I do not know whether all are or not, but all those who were members of the board voted for it. As I said in the first place, all the younger officers are in favor of it because they hope to get increased promotion by it, and most of them I think are willing to see the older officers railroaded on the retired list to make room for them. The engineers are in favor because they are going to get our line titles.

The CHAIRMAN. The other day when I spoke of this bearing as I thought unfavorably upon the list of captains, I do not remember now whether it was Mr. Roosevelt or—I rather think not—perhaps it was when the other gentlemen were here; but as I read the list of captains down it strengthened my opinion that it was not necessarily to the advantage of the service to have legislation that would fall so heavily on such a list as that, and they answered to the names of a large number as being in favor of this bill. Of course I do not know anything about their opinion.

Commodore CROWNINSHIELD. I have consulted with very few of them.

Mr. FOSS. Have you seen this explanatory statement of the navy personnel bill?

Commodore CROWNINSHIELD. Yes.

Mr. FOSS. Looking at it I see that this paper was prepared by E. O. Matthews, George W. Melville, and Charles O'Neil, chairmen of committees. On page 8, just below the section, it states:

When the bill was considered as a whole there were but three votes against it, all because of the above section; but the three elements or factions were divided in their votes on that section as a section, and on the bill as a whole because of that section—

Commodore CROWNINSHIELD. I was one of those who voted against that section.

Mr. FOSS. You notice it goes on to state:

But the three elements or factions were divided in their votes on that section as a section, and on the bill as a whole because of that section.

Then in the next paragraph it says:

While it was being considered as a section a compromise with those dissenting was effected by the adoption of the last proviso, viz, that any officer retired under the provisions of this section shall be retired with the grade and three-fourths of the sea pay of the next higher grade.

Do you think that is a true statement?

Commodore CROWNINSHIELD. Yes; I think it is, to the best of my recollection.

Mr. FOSS. That their main objection to the bill was on account of section 9?

Commodore CROWNINSHIELD. Yes; that was one section. Yes; that was the main objection I guess you might call it.

Mr. FOSS. This statement says that the main objection to the bill as a whole was on account of this section. I want to get at whether that is really a fair statement of it?

Commodore CROWNINSHIELD. I think it is.

Mr. DAYTON. Now, Commodore, please turn to page 3, under the comment under section 1, which provides for the amalgamation itself. The first sentence is:

This—

Referring to the first section or the amalgamation section—
was agreed to with but one dissenting vote.

Is it not true, sir, that that one vote was yours?

Commodore CROWNINSHIELD. To the best of my recollection there were at least two votes against the adoption of that section. I think there was another one besides my own.

Mr. DAYTON. Do you remember who that was?

Commodore CROWNINSHIELD. I think it was Captain McCormick.

Mr. DAYTON. A vote was taken at the time of this section?

Commodore CROWNINSHIELD. Yes, sir; there was a vote taken at the time.

Mr. DAYTON. How long have you been in the service?

Commodore CROWNINSHIELD. Since 1860. Mr. Chairman, if you and the gentlemen have no further questions to propound I wish to ask leave to withdraw, as I have had no lunch and I must get back to my office.

The CHAIRMAN. We are very much obliged to you for coming here, and I think I have elicited exactly the points I desired to obtain.

Thereupon the committee went into executive session.

COMMITTEE ON NAVAL AFFAIRS,
Wednesday, April 13, 1898.

The Committee on Naval Affairs this day met for the purpose of continuing its hearing on the Navy personnel bill, Hon. Charles A. Boutelle in the chair.

STATEMENT OF CAPT. A. H. McCORMICK, UNITED STATES NAVY.

The CHAIRMAN. Captain, you have been familiar somewhat with the discussions attending the preparation of this personnel bill, have you?

Captain McCORMICK. Yes, sir; I was a member of the board.

The CHAIRMAN. You are a member of the board?

Captain McCORMICK. Yes, sir.

The CHAIRMAN. Are you in hearty accord with all the provisions of the bill?

Captain McCORMICK. I voted against the report of the board when the proposition was first made to amalgamate the engineers with the line of the Navy on the lines which were afterwards laid down. I voted against it as a proposition, but before the conclusions of the committee were drawn up I concluded I would unite in supporting that proposition. My objections to it were not entirely removed, and, at the present time, while I think that the watch duties in the engine room will be efficiently performed under the new arrangement, I am still doubtful whether we will succeed in getting as efficient chief engineers for our ships as we do under the old arrangement.

The CHAIRMAN. Were all the line officers besides yourself in favor of this amalgamation?

Captain McCORMICK. Crowninshield and myself I think were the only two who opposed it of the line officers, but Crowninshield was not recorded on the subject, he having been absent on the morning the vote was taken, but I believe he has been before the committee——

The CHAIRMAN. He has been here.

Captain McCORMICK (continuing). And probably he has given you a better idea of his opinions than I could from the memory of several months back.

The CHAIRMAN. Were the other line officers in favor of it affirmatively or did they agree to it in compromise?

Captain McCORMICK. All the line officers of the board, except as above noted, were aggressively in favor of it, except, I think, Commander Hemphill.

The CHAIRMAN. Did they start in that way?

Captain McCORMICK. They started in that way.

The CHAIRMAN. If you know anything about it, when did the line officers to whom you refer, whose names I recognize as men who were very prominent and urgent in their advocacy of the line position as against the position of the engineers—when did this change of sentiment come about?

Captain McCORMICK. I know nothing about that. I had no acquaintance at all with the question until I was appointed a member of the board.

The CHAIRMAN. Why I ask is that I did not know but what there was some concert of action.

Captain McCORMICK. I never heard the proposition discussed at all until it was proposed in the board, I think the second day of our meeting.

The CHAIRMAN. Will you state some of your reasons for desiring the amalgamation?

Captain McCORMICK. At the time the proposition was presented I was of the opinion that to add to the duties of the line the duties of another profession would be making an addition to their professional requirements that they would not probably master as thoroughly as if it were the single profession of their life, as it had before that been for the engineers. I realized, also, that the sea life of a naval officer was necessarily restricted; that if it were proposed that he should arrive at command rank at the time he has attained the age of 45 years, that there would be twenty-four years of naval life between his departure from the Naval Academy and his promotion to command rank, and out of those twenty-four years he probably would not be able to spend more than fourteen years at sea.

Of those fourteen years, if he performed the duties of an engineer he would have probably to spend three or four of those years in the engine room before he would be called upon to perform the duties of chief engineer; that if he spent four years in the engine room and then were made chief engineer of the ship he would have devoted seven years of his seagoing life to the performance of engineering duties and would have left seven years in which to acquire his seamanship profession.

The CHAIRMAN. That would be about one-half the time?

Captain McCORMICK. That would be a condition peculiar to the line man who was called upon to perform the duties of chief engineer and not to all line men who perform the duties of engineer, but simply to

the line man who in addition to his other duties as engineer also performs eventually the duty of chief engineer of the ship.

The seven years in which the ultimate chief engineer had had to acquire his profession as a line officer distinctively would not, in my opinion, have given him sufficient experience on the deck of the ship to fit him for command when the command was taken at the age of 45 years. If he had had seven years' experience prior to arriving at the age of 30 or 35 years, I think it would have been ample, but not ample for a man who has attained to the age of 45 years.

The CHAIRMAN. In other words, you would not regard seven years' experience at sea as likely to thoroughly equip a man for the command of a man-of-war?

Captain McCORMICK. Not to thoroughly equip a man for the command of a man of-war who attains the age of 45 years. There were, however, as the question of amalgamation was further considered, certain advantages arising to the Navy that led me eventually to more favorably consider it, and at the present time I am prepared to acquiesce in the coalition as being beneficial to the Navy with the exception, as previously noted, that I do not think the chief engineer under the amalgamation scheme will be as well fitted for his duties as the chief engineer is at the present time.

The CHAIRMAN. Let me interrupt and ask why it will not be seriously a detriment to the service if it is to deprive line officers of the probable opportunity to acquire their profession?

Captain McCORMICK. Mr. Chairman, I wish to say there would be but few line officers; it would be only those who would be finally called upon to perform the duties of chief engineer.

The CHAIRMAN. Are not they all liable to that?

Captain McCORMICK. Any are liable to it, and if he does not devote the three years to being chief engineer it does not do any harm; his education in the engine room and care for engines of a ship will tend to broaden him, but the three years he will have to give up to being chief engineer would have the tendency to detract from his time for acquiring his other profession.

The CHAIRMAN. They are all to be line officers. Suppose that an officer is detailed for three years' service in an engine room and then circumstances are such that he fails to put in outside of that the requisite or usual amount of active sea service, would it not be a very serious handicap in experience for command?

Captain McCORMICK. If that were followed in administration it would be, but I take it that the administration would divide each of his cruises between the performance of the two duties—that is, it would give him a certain part of each cruise with duty on deck and a part duty in the engine room.

The CHAIRMAN. Is there not great variance now in the actual amount of sea duty different line officers perform?

Captain McCORMICK. Yes, sir; there is quite a variance.

The CHAIRMAN. Is not there a great discrepancy between the amount of actual sea duty one officer may perform in the course of ten years by being on a cruise that keeps him at sea and another officer who, while nominally on sea duty, would be spending a greater part of his time at a navy-yard or station or on receiving ships?

Captain McCORMICK. You mean on board a cruising ship at a navy-yard?

The CHAIRMAN. Yes. Some cruising ships have been at the navy-yard for a good deal of time.

Captain McCORMICK. Some stay there a good while, but when a man is performing the duty of a deck officer on board ship, whether she is at a navy-yard or whether she is swinging in a harbor, he is still acquiring his profession.

The CHAIRMAN. A certain part of it?

Captain McCORMICK. Yes.

The CHAIRMAN. Would you regard that experience especially valuable in taking the responsibility of the command of a ship at sea?

Captain McCORMICK. No; it has got to be supplemented by movement also, and the movement of the best of our ships, in these days when they are moved by steam, has got to be rather limited.

The CHAIRMAN. A man would not naturally acquire so much skill in handling a heavy ship like the Iowa, for instance, if she was moored for three or four months as if she was at sea?

Captain McCORMICK. No; of course not.

The CHAIRMAN. Have you any general impression of the relative amount of actual sea service that our vessels have done since we have built up our Navy?

Captain McCORMICK. They have moved, I think, over greater distances, but in a shorter time than the old ships did.

The CHAIRMAN. Do you think they have been actually at sea as much time?

Captain McCORMICK. I say they have moved over greater distances, but the time they spent in moving over that distance has been much shorter.

The CHAIRMAN. How do you understand the operation of this bill would effect the assignment of officers to the one duty or the other? Now, I understand, for instance, that the older engineers are to continue on engine duty?

Captain McCORMICK. Yes.

The CHAIRMAN. Where is that limitation drawn?

Captain McCORMICK. Well, all engineers who continue to perform engine duty, as I recollect it, Mr. Chairman, would be confined to those engineers who perform the duty of chief engineer. The other engineer officers who are required to qualify themselves to pass an examination might be doing engineer duty; but as the requirement of the proposed bill is that they shall qualify, the natural expectation is that they will be given an opportunity to qualify by immediately beginning to perform the duties of what has heretofore been called line officers' duty.

The CHAIRMAN. Why do they make the distinction in regard to the chief engineers?

Captain McCORMICK. Simply that those are the older men of the Navy and that they are too far advanced in life to make it a desirable thing that they should be called upon now to acquire an entirely new profession, and further than that their services will be very valuable in the walks they have heretofore trodden in.

The CHAIRMAN. How young are the chief engineers of that classification?

Commodore MELVILLE. About forty years—the youngest about that.

Captain McCORMICK. I think they were parties who went into the Navy originally about the year 1867 or 1868.

The CHAIRMAN. What do you think of the operation of the selection clause of the bill?

Captain McCORMICK. My final vote against the bill was determined by that clause.

The CHAIRMAN. Did you finally vote against the bill?

Captain McCORMICK. I voted against the bill in committee, and I entered the reasons for my vote upon the record.

The CHAIRMAN. I got the wrong impression about that; I got the impression before that you voted against it originally, but finally agreed to it.

Captain McCORMICK. I opposed in its infancy the amalgamation and agreed to the amalgamation before the final report, but voted against the bill because of the way in which the enforced retirements, or eliminations rather, were to be made. I was the party, preeminently I might say, who was in favor of an automatic method of elimination rather than a board for elimination.

The CHAIRMAN. What was the method you preferred?

Captain McCORMICK. I preferred, for instance, if three captains were to be removed from the list, that those three captains should be the captains who stood at the foot of the list; that is, that there was no mental effort of any sort at all in the selection, and I am prepared to say to the committee that there is no argument in favor of my method except the argument that it allays all strife. If you appoint a board to select three officers to go out, those three officers either absolutely or avowedly consider that they have been harmed. Their friends will consider surely that they were not the three who should have been selected to go out. We will have again the turmoil that assails us on every occasion of an officer having been recommended by a board, or by any other means, to be placed upon the retired list; that it is not just, and that it should not have been done, as we know.

My own idea was, while your board of admirals, exercising their functions with absolute impartiality and with good judgment, would in the most cases select the men that so far as was then known were the least worthy of remaining on the list, that their action on all occasions would be assailed, and we would have in the Navy more turmoil than we have had heretofore, and I think that the turmoil we have had in the past has been injurious to the service, and I think that it would be a part of wisdom to guard against continuing this if not enhancing it by any action that is taken at this time. After the list has been scanned on one or two occasions, it will be difficult for any set of officers to determine who is the least worthy to remain on the list of those then remaining. And in the provision of the bill the only thing which seems to be in contemplation is to place before the board of admirals the records on file in the Navy Department, and, as that particular section is drawn at the present time, the inference would be that the selection to go out was to be made by consulting the records.

I hold that it will be a physical impossibility for a board of admirals within any reasonable time to digest the records of the different grades that they would be called upon to pass upon. But while that would be the impression that is left upon my own mind by the reading of the section, the real intent is that the board shall scan the list with what they themselves know of the men, and mark them black or white as seems to them right, and that they are not compelled to decide upon those black or white marks by the records but by what they know of the people themselves, from what their general reputation is in the Navy as known to them. While I agree with the Assistant Secretary of the Navy in his argument addressed to Mr. Long, that in most cases they would not err, in some cases they would err; but in all cases their conclusions would be attacked.

Mr. FOSS. May I ask you a question right there, please. Section 8 refers to voluntary retirement, and section 9 to forced retirement.

Captain McCORMICK. I was addressing myself particularly to section 9.

Mr. FOSS. I want to ask you the question if it is not expected there will be a sufficient number of voluntary retirements so as not to render necessary the operations of section 9, which provides for forced retirements?

Captain McCORMICK. That is a very difficult question to answer. If it could be predicted that there would be a sufficient number of voluntary retirements, then section 9 would have no place in the bill. It is essential, however, to the well-being of the Navy that these eliminations, whether by voluntary retirements or by enforced retirements, shall be made.

The board in determining the number of people who should be eliminated yearly, fixed the age of promotion to commanding rank at 45 years. I am satisfied in my own mind that in a properly organized navy that is at least ten years too old, but if you put it lower as our Navy stands and as it will stand for a number of years, you will have to practically eliminate the whole of the Navy, because they are all too old. I say they are all too old; they are all too old between the grades of captain and lieutenant.

Mr. FOSS. Right there, captain, about what is the age of the youngest man who has command rank to-day? Here is a Naval Register.

Captain McCORMICK. You can add about 17 years to the time of his entering the Navy [examining the Naval Register]. John V. K. Bleeker, who is the last commander on the register of 1898 except Commander Mullin, who is below him by sentence of court-martial, entered the Navy on the 10th of August, 1863. If, then, you add to 1863 the 17 years he probably carried when he entered the Navy, you would get his age.

Mr. BUTLER. About 52?

Captain McCORMICK. I guess there are none younger than 52.

The CHAIRMAN. On what grounds would you prefer to drop out the officers at the foot of the list rather than those at the head of the list?

Captain McCORMICK. The officers at the head of the list are presumably the most valuable to the Government. If you follow the argument that the Government within a few years, or possibly within a few months, has got to pay them more, you would conclude they were the most valuable. Of course they have less time to serve, but they have more experience. The reason I prefer three at the foot of the list, if that were practical, who were to go out would be that those parties who were recently promoted would suffer the least hardship in being relegated to the retired list—would suffer less hardship.

The CHAIRMAN. Would not that rather conflict with the established system which provides that men shall be retired when they have reached a certain age, taking in all cases the older men rather than the younger men?

Captain McCORMICK. In this enforced elimination it is applied to grades in the Navy that are not now usually eligible to retirement for age and have several years to serve before they will be so retired in consequence of reaching the age of 62. Of course if you take them from the top of each of the lists, you would take the men who are the most experienced. If you contemplate the captain's list alone, you would take those people who in a short time are to be promoted to commodore. They have served their time as captains of ships and are supposed to have acquired the experience that would enable them to perform the higher duties, and it is more particularly noticeable when you come to select from the heads of the list of commanders. These

men are not in any sense near the retiring age. They would probably be somewhere along 52 or 53 years of age. There would be no argument in favor of eliminating the man who is 52 years of age in preference to eliminating the man who was 45 years of age.

The CHAIRMAN. Except the Government would lose very much more service of the officer in the one case. I am looking at it now from the standpoint of the Government who has educated this officer and furnished him opportunities for advancement and acquiring experience and efficiency, and of course every year that he is capable of serving the Government would lose if it puts him on the retired list.

Captain McCORMICK. There is another way of looking at it from the side of the Government. A commander who is 52 years of age will have commanded a ship probably three years. He for that reason is a more valuable man than one who has just reached the grade of commander and who has yet to learn the duties of a commander. In other words, the man at the head of the list in his grade of captain and commander would ordinarily be the more valuable servant to the Government, barring his age, than any other man on the list.

The CHAIRMAN. Right on that point of retirement for the sake of promotion, take the present navy for instance, supposing we had reached what we regarded as the ordinary maximum of our ships, that we did not contemplate any large increase in our tonnage; and suppose also that in the establishment of peace and economical disposition on the part of the Government they should decide that it was not necessary to keep so large a portion of our vessels in commission, that we should keep a good many of them in reserve, would not there still—supposing that the same number of officers be kept in the service—be difficulties in giving commands to the younger officers for the reason of the lack of commands to which to assign them? In other words, is it possible without the maintenance of a very large cruising force of vessels to secure the attainment of command rank by all officers at this early age that is desired, whatever age you may put it?

Captain McCORMICK. I would hardly call 45 an early age. In answering the question, I take it that if the Navy were put upon a peace basis that there would still be as many small vessels maintained in commission as were maintained in commission during the decade from 1880 to 1890, when we had small vessels. Recently, up until within the last two or three years, the trouble has been in the Navy; we had no small vessels for commanders to command.

The CHAIRMAN. I remember very well—oh, as long ago as in the eighties—there was an attempt made to change the law so that the Secretary might send the younger officers in command of small vessels, and the then chief of the Bureau of Navigation on detail antagonized it, and in basing his opposition gave me some tables showing that at that time it was absolutely impossible to give assignment to the large number of captains and commanders of the Navy, because we had not the vessels; and I was looking at this phase of the question, whether any single act of legislation can surely regulate the attainment of the command of a vessel by a certain number of officers. It is contingent upon other things; it is contingent upon our maintenance of a large number of ships afloat, it seems to me.

Captain McCORMICK. I took the decade from 1880 to 1890, because at that time the old vessels were disappearing from the Navy, and practically no new commander's commands had been added.

The CHAIRMAN. Was it not true at that time our officers were very largely unable to attain command in the higher grades?

Captain McCORMICK. In higher grades more particularly than at the present time, because we had fewer captain's commands, but we had more commander's commands at that time than we had until within the last two years.

The CHAIRMAN. But still, if I recollect aright, there were quite a number of commander's and lieutenant's commands for whom it was impossible to provide commands?

Captain McCORMICK. There were a number of commanders who were without commands, but all of them had from two to four years' sea service in passing through the grade of commander.

The CHAIRMAN. In the command of ships?

Captain McCORMICK. Yes, sir; they had from two to four years at commanding ships while passing through the grade of commander.

The CHAIRMAN. That covered how many years?

Captain McCORMICK. Take my own case. I had forty months' sea service, I think, in sixteen years; but that was an extraordinary long time, Mr. Chairman, because it was influenced by the reduction that occurred in the Navy in 1882. Ten years would have been a long time for a man to have consumed in passing through the grade.

Mr. BUTLER. Did I understand Captain McCormick to say in sixteen years' service he had commanded but forty months?

Captain McCORMICK. But forty months.

The CHAIRMAN. That shows the commands were scarce, relative to the number of officers. I wish I had that list which was given me at that time.

Captain McCORMICK. That was on account of adverse legislation, and I only speak of my own case, not because it was peculiar, but because I simply happen to know more about it than I do about anybody else's case; but the adverse legislation of 1882 deferred my promotion about seven years and held me sixteen years in the grade of commander instead of my getting through in about nine or ten. Now in this proposed bill that is before your committee, the commander will serve only about seven years in the grade of commander.

The CHAIRMAN. And you were how many?

Captain McCORMICK. Sixteen. I became commander when I was 35 years of age. The commander of the present day even when the system proposed here gets into actual operation will not attain commanding rank until he is 45 years of age. I will say that I regret it very much that in the committee or in the board, upon the final vote, I could not bring myself to vote for the bill. I think it presents a very great number of desirable things for the Navy, and that if it is passed I believe in the long run it will do good. I should like very much, however, to see the ninth section modified so as to do away with the contention that is bound to follow it, and in saying that I speak impersonally because, in the nature of things, that could affect me but a very few years; but I think the gentlemen of the committee will see what its effect will be when as each year would pass by about fully one-third of the officers of the Navy will be apprehensive that the lightning of retirement will strike them.

The CHAIRMAN. Under that provision of retirement, I forget the exact wording of it, but is it not true that the selection out carries with it a certain stigma of being the least desirable to be retained?

Mr. McCORMICK. That is the stigma that each person will feel, and that he and his friends will fight against. If he were automatically removed, to use Mr. Roosevelt's expression, or removed automatically by the operation of the law, there would be no more stigma attached to

him than is attached to a man who is now removed when he reaches the age of 62 years. But I say that an automatic removal is not founded on any reason. It is simply a method of doing the elimination without stirring up controversy and strife.

Mr. SOUTHARD. Do you look upon this as being the best thing for the Navy—that is, for the good of the service—to retire them automatically?

Captain McCORMICK. Yes, sir; to retire them automatically, I do.

Mr. SOUTHARD. And it is not upon the principle that the Government is made for the Navy and not the Navy for the Government?

Captain McCORMICK. No. I have tried to approach this question from the Government point of view first, and after the Government has concluded what it wants to do, then I try to think what the Government can afford to do for the people who are hit.

As the case was made by the Assistant Secretary to Mr. Long (as I say that argument was largely addressed to me, as I happened to be the active one for the automatic retirement), the case of Commander Cushing was cited. It is worthy of noting that Commander Cushing was dismissed from the Naval Academy because of deficiency in Spanish, the ostensible cause, the real reason, however, being at that time he was thought to be unfit for a naval officer—I will not say “unfit,” but unpromising for a naval officer. He was a cadet at the Naval Academy or a midshipman at the Naval Academy.

Mr. FOSS. I see in this bill that there is a provision that the engineer officers before being assigned to duty in the line shall pass an examination. Now, is it contemplated that the line officers shall pass an examination in engineering?

Captain McCORMICK. It is not; not in the bill anywhere is it spoken of. The requirement of a line officer that he shall superintend the running of the engines is not a very great requirement, and I would mention that recently until sickness overcame me I was in command of the battleship Oregon, on which there were two cadet engineers who had served less than six months since leaving the Naval Academy who had been recommended by the chief engineer of the ship for watch duty in the engine room as being entirely competent to perform that duty, and that recommendation was made to my predecessor, not to me, and had been approved, and they were, when I joined the ship in January last, taking charge of the engine room on regular watches.

The CHAIRMAN. Six months out of the Academy?

Captain McCORMICK. Were graduated last June.

Mr. SOUTHARD. And they had had no sea service?

Captain McCORMICK. They were cadet engineers who left the Naval Academy course last June and were in charge of the engine room of a large battle ship about six months thereafter.

The CHAIRMAN. This was during the two years post-graduate service?

Captain McCORMICK. Yes.

Mr. SOUTHARD. That was a part of the post-graduate service they were serving on the battle ship *Oregon*?

Captain McCORMICK. Yes, sir.

The CHAIRMAN. It certainly speaks well for the engineering education at the Academy. Captain, there has been in the discussions that have arisen on this general subject a great deal said, of course, about the evolution of our modern vessels and the large amount of mechanism that is now employed with which the line officers are obliged to deal as indicating the similarity of the service on the ship which forms an argument for the amalgamation of the two corps. Now, in your judg-

ment, do the mechanical duties, as I will characterize them, devolving upon the line officers in supervising or the management of the mechanism of the turrets or the electric-light matters, etc., in actual service, does the attention to those duties so directly and constantly segregate this officer, whoever he may be, from his ordinary line duties such as it would if he were engaged in caring for the engines themselves?

Captain McCORMICK. No; it does not segregate him from his duties, because he only has to be with those things—for instance with the mechanism of the turrets, etc.—while he is not standing watch, while he is at quarters as he would have done at quarters in old times when you “served vent and sponged.”

The CHAIRMAN. Suppose an officer were detailed, I do not know what the provisions of this bill are as to the length of detail, but suppose an officer were detailed to service with the engines and he makes a cruise of two or three years, if you like. During that time, while he is engineer watch officer, would he have the same opportunity for keeping up the familiarity with the other sea duties of a line officer such as a line officer does to-day, notwithstanding the fact that they have to do, more or less, with auxiliary mechanism?

Captain McCORMICK. That is a pretty long question.

The CHAIRMAN. It is an involved question and I will make it a little more plainly, and I will state my impression and interpret my question. Whether there is anything more distinctive between the caring for engines and the ordinary duties of the line which would prevent a man from keeping up in both more than there would be in performing the duties of a line officer to-day?

Captain McCORMICK. An officer who performs watch duty in the engine room will, for the time being, be sacrificing the attainment of his seamanship profession.

The CHAIRMAN. That is entirely responsive and what I wanted to get your judgment upon.

Captain McCORMICK. He will at the same time be broadening his general education as to what constitutes a whole ship of the present day.

Mr. FOSS. Will it not make him a better commanding officer for the future?

Captain McCORMICK. It depends upon how much he sacrifices. In my opinion if he sacrifices the time of being chief engineer in addition to the time he has sacrificed as being watch engineer, that it will not conduce to his improvement as a commanding officer because he will be too old when he becomes a commanding officer with too little experience.

Mr. SOUTHARD. Is there enough in the ordinary duties of a line officer, taking in navigation and such knowledge of machinery as is necessary because of his surroundings, is there enough to absorb all of his time and attention and employ all of his faculties continuously in order to be as nearly as perfect as possible?

Captain McCORMICK. Well, the profession of a line officer is a very broad one. If the officer qualifies himself in all directions it will absorb the whole of his time. It is not necessary, however, to a perfect equipment as a commanding officer that he should be a master of all the branches, to be a good commanding officer.

Mr. SOUTHARD. Is it necessary he should be a master of navigation?

Captain McCORMICK. It is necessary that he should be a pilot, but it is not necessary that he should be a master of navigation. Navigation, however, divorced from the question of pilotage, is a very simple profession, very easily acquired. I will not say profession, but branch of the business.

Mr. SOUTHARD. A knowledge of the profession of pilotage would be a knowledge of the shores and bottoms of the sea, etc?

Captain McCORMICK. It is not a knowledge of those things, but is the capacity to take a chart before him and grasp all of those things or what is shown on the chart. I am speaking of a commander of a vessel who is simply called upon to pilot his ship in waters he has never seen or heard of before.

Mr. SOUTHARD. That is the commanding officer?

Captain McCORMICK. Yes, sir.

Mr. SOUTHARD. What I was trying to get at was, how much of his time and attention—that is, of the commanding officer—it would take to make himself proficient in this line of duty.

Captain McCORMICK. Well, a man who has served three years as navigator of a ship ought in that time to have acquired all of the knowledge of pilotage that will be necessary for him.

Mr. SOUTHARD. Now, I am a novice in these matters—for instance, he goes off on a cruise for two or three years; he has his maps and charts, which are his guides. Now, I suppose he will get something of value obtained by what he sees and what he does in the matter of navigating the ship. Now, that is of special benefit to him as far as that particular locality is concerned, but I suppose of comparatively small benefit to him so far as any other locality is concerned; is that so?

Captain McCORMICK. It is probably of no value to him, as far as the locality itself is concerned, unless he is going to spend pretty much all of his cruise in that one locality. He would have to take it up again as a new study if he returned to that port within a few months. But it is the practice of the general profession of navigating and piloting a ship that becomes of value to him, so when he goes to new waters and new harbors he is enabled to readily grasp, from all that is spread out before him, what the general appearance of things around there is and the best way to get into the place where he wants to go.

Mr. SOUTHARD. And his facility for doing that work is something that is acquired by long experience and by long practice?

Captain McCORMICK. That is something that has to be acquired. The responsibility of carrying a ship into a port or into the harbor devolves upon the captain by regulation.

Mr. SOUTHARD. Now, you say the duties of a line officer is a very broad field, as it is now defined. Then if you give him the additional duties now devolving upon the engineer, who I understand states that he also has a broad field, if you give him all these additional duties, would it tend in the direction of proficiency of the line officer or would it tend in the other direction?

Captain McCORMICK. I think if you give him the engineering duties in addition to the other duties, other than the duties of chief engineer, that it would tend to his greater efficiency as a commanding officer; but in my opinion the three years which a limited number of them would have to spend as chief engineer of a ship would be a detriment.

Now I say three years. That three years I take it will be continuous, because when you put a man in charge of the engines of a large ship, with the complicated mechanism we have now, I take it the Government will be interested in maintaining him there for the full three years of the cruise. That will probably be, in the nature of things, the last three years spent before he becomes a commanding officer, and those are the three years I am rather afraid of; for the other part I am not afraid at all.

Mr. SOUTHARD. That is, the three years of immediate preparation before he becomes commanding officer would be spent down in the engine room of the ship?

Captain McCORMICK. I am afraid of those three years continuous service in the performance of a thing that is not in the line of the management of a ship as a whole—do I make myself clear—or in other words, it is not deck duty?

Mr. SOUTHARD. Yes.

The CHAIRMAN. Do you consider it would likely be beneficial to so arrange to have a man assigned to line duty or engineering duty unless they were kept at it for some reasonable period? You would not think it would be practical, would you, to assign them for a week or a month; but that there must be some period?

Captain McCORMICK. About a year or more. I think that the engineer duties of a line officer, except the one who has to perform the duty of chief engineer, will be efficiently performed by the line officer. I think, though, that the committee will have to consider what will be the effect upon the engineering branch of the service.

The CHAIRMAN. I was going to ask you about that.

Captain McCORMICK. An officer, who is a line officer, will perform the duties of engineer for the time he is assigned there to the best of his ability, but he, however, is not going to turn his mind to engineering as the great profession of his life.

Mr. SOUTHARD. I was going to say he would have to fit himself as chief engineer some day.

Captain McCORMICK. Some few; not all.

The CHAIRMAN. You regard it as probable, judging from your experience and knowledge of men, that after this system has got in full operation—this amalgamation of duties devolving upon all the officers—that we can evolve out of that system, as a rule, men of the special and distinguished ability as engineers that we now have in the service?

Captain McCORMICK. I doubt it.

Mr. BODINE. I would like to ask the captain a question, whether as a whole he considers the adoption of this bill would improve the efficiency of the Navy?

Captain McCORMICK. I do.

Mr. HILBORN. I would like to have him continue, and say why. If the skill of the engineering arm is going to be less, the machinery being now so complicated and such an important factor as it is on our ships, how is this bill to improve the condition of the Navy?

Captain McCORMICK. I think that the duties of watch standing in the engine room will be fully as well performed as they are at the present day, if not better. I think the elimination of all strife on board ship—I am glad to say of recent years there has not been very much of it that appears on the surface, but there is a divided group on board of ship.

There is one line crowd now and another an engineering crowd; but I think when you combine the two you will get a better result from the harmony that would exist than you get now. My only fear, and I am not clear on that subject, is whether the chief engineer will be as capable of performing the duty under the amalgamation scheme as the chief engineer is now.

The CHAIRMAN. Now, is not that a very important factor?

Mr. HILBORN. You admit the efficiency in the engine room will be less under this system than it would be under the old, but you think it

will be made up by the soothing over of the strife that exists between the two corps of the Navy; have I stated that correctly?

Captain McCORMICK. The efficiency in the engine room from day to day will be greater under the amalgamation than it is now.

Mr. HILBORN. Then I misunderstood you.

Captain McCORMICK. The place where the inefficiency will probably rise is that the chief engineer will not himself be as efficient as the chief engineer is under the present system.

Mr. HILBORN. Do you not consider that a very important thing?

Captain McCORMICK. I do consider that very important, and I tried to draw the distinction from what is going on from day to day in the engine room in the running of the engines and the discipline that is maintained; I think all of that will probably be improved under the amalgamation. I am still doubtful whether the chief engineer will be as efficient as the chief engineer is under the present system.

Mr. HILBORN. And in case of trouble it is very important that the chief engineer should be master of his business?

Captain McCORMICK. It is.

Mr. HILBORN. How can any quarrel between two branches of the service compensate for that loss?

Captain McCORMICK. I do not think, if you single that out as one thing, that it would; but I think, with the other things to balance it, the greater efficiency from day to day in the discipline——

The CHAIRMAN. Where do you get that greater discipline under this bill?

Captain McCORMICK. I think from the fact that the people who are in the habit of commanding large bodies of men on deck supremely will be the people who will have to go and perform that same duty over a smaller body of men in the engine room will bring about greater discipline down there.

The CHAIRMAN. Are not those engineers to-day educated under military discipline just as the deck officer is?

Captain McCORMICK. But they have not practiced it on as large a scale; they have only practiced it in one part of the ship. The line officer on deck commands the ship as a whole and all those people for a certain number of hours each day. That man will be transferred down, and the education that he has acquired of carrying on discipline in another part, and for that reason I think you will get greater efficiency from day to day in the engine room; but when it comes to a break down the efficiency of maintaining and repairing the engines, in my view, will not be as well directed by the chief engineer under the amalgamation scheme as it is now directed by the chief engineer under the present scheme.

Mr. BODINE. If it were not for the friction that exists between the different departments would it be advisable to make this proposed change here as proposed in this bill?

Captain McCORMICK. If the thing were working perfectly to-day I think it would be desirable to adhere to it. If the system which prevails to-day were working perfectly I think it would be desirable to adhere to it.

The CHAIRMAN. Let me follow up your question, Mr. Bodine, because this is supplementary——

Captain McCORMICK. I want to say to the committee—perhaps they have not all heard what I stated—that I am rather an unwilling convert to the amalgamation.

Mr. BODINE. And I think justly so.

Captain McCORMICK (continuing). And if you will excuse me, Mr. Chairman, I will say it is hard to call upon me to defend it all the way along when I say I have been a rather unwilling convert, and my conversion was due largely to the impressions I got from the engineers who were members of the board.

The CHAIRMAN. I want to ask you, I may not make it so short as you would like, but I will make myself understood, and it is right on this point. If the system that prevails to-day in the Navy could be so far modified as to preserve the corps distinction between the line and engineers—in other words, of observing the distinctive professional engineering corps—and at the same time provide as to make the engineers perfectly contented with their positions, their rank, and their duties, would you consider it more desirable than this amalgamation of duties among all officers?

Captain McCORMICK. Yes.

The CHAIRMAN. You then would consider that it would be specially advantageous on board our modern ships with all of our complicated mechanism in having the engineer corps, for instance, composed of men who made that their profession of life, their matter of professional pride, to which they devoted their studies and experience, would you not?

Captain McCORMICK. Yes.

The CHAIRMAN. And in the same way with the line officers. Do you believe that the present system in private enterprise throughout the world that has devoted itself for some time to specialties is desirable and beneficial, or it would be desirable to educate men in everything?

Captain McCORMICK. Well, I am an advocate of specialization myself.

The CHAIRMAN. That seems to be the experience.

Captain McCORMICK. There are, however, considerations which come into and modify that on board ship. If you have on board ship a number of men who are what might be called "all around men," they can help you out whenever you fall short of one of your specialists. If a line officer is an engineer and if an engineer is a line officer, they can dovetail in to fill any position that needs filling for the time being, and for that reason it would be desirable to have as many people on board "all around men" as possible.

The CHAIRMAN. Do you get the highest developed ability and skill from all around men as a practical rule?

Captain McCORMICK. I think not.

Mr. SOUTHARD. You gave as a reason for supporting this bill that you thought better discipline would be maintained in the engine room because of the engineers having the experience upon the deck, that larger experience which pertains to the line. Has there been any complaint or is there any complaint relative to the discipline which prevails among the engineers, or cause for criticism?

Captain McCORMICK. On ships that I have had to do with I have always found that the discipline in the engineer department was rather below the average of the rest of the ship, considerably below. There are a good many reasons for it. These men live—a large number of them spend their time down in dark holes; they are out of sight.

I believe that a coal passer is notoriously a rather hard character to deal with, and when he is performing his duty he is living in dirt and coal dust and he is living down in a dark place. And there comes in another point there, that they are divided up into a separate coterie

on board of ship, controlled in part at all events, so far as overlooking them for the time being is concerned, by another separate coterie, and now I think if there was no coterie at all on board of ship the thing would go on better.

The CHAIRMAN. Do not these complaints largely proceed from the fact that these men are unable—that is, it is impossible for them—to keep up that state of superficial discipline which goes to their clothing and personal appearance, etc., on account of the duties they have to perform, and the average executive officer is inclined to be pretty ugly if some fellow comes up to get a breath of air with a little smut on his face, or does not look so immaculate as he might?

Captain McCORMICK. I will go to a larger question than that. I think the tendency among those people to get drunk on board of ship, not so much on shore, but on board of ship——

The CHAIRMAN. Now, is not that fault more due to the character of the duty these men have to perform than to any lack of official supervision? Is it not due to the fact that you can not hire the kind of men you get to superintend Sabbath schools to go on board a steamer and shovel coal into hot furnaces; that you can not get the same kind of men, ordinarily, to do that as you can employ as able seamen. Is it not essential that they shall be what you would call “hard characters,” men the least prosperous in a community, who will do that work?

Captain McCORMICK. I was struck by the fact that out on the Pacific coast, in the case of the *Oregon*, that most of the young men who came along, native-born Americans who wanted to enlist, preferred to enlist as coal passers rather than to enlist as landsmen, but that, I will say, is rather the exception. That is rather, I will say, explained by the fact that the coal passer gets better pay; but I think at Puget Sound we filled up the number of our vacancies of coal passers, but did not fill up the other vacancies of landsmen.

The CHAIRMAN. Is it not a fact on board regular ocean liners men who are employed to pass coal, shovel coal down there, are a hard lot?

Captain McCORMICK. I do not know anything about that from my own knowledge.

The CHAIRMAN. I understand that is a fact.

Captain McCORMICK. I only know in a general way.

The CHAIRMAN. Because it is tremendously laborious and is an uncomfortable position?

Mr. HILBORN. Did I understand you to say that to enforce more strict military discipline down there, this sending of a man from Annapolis down there to keep them from getting drunk, etc., would produce a better condition?

Captain McCORMICK. We have men from Annapolis down there now, but I do not think that it is altogether a question of where a man comes from or who the particular man is.

Mr. HILBORN. I will not say that. I will say enforce more strict military discipline?

Captain McCORMICK. I think that the conditions would be improved if a man who has a wider range of experience in handling men were put to the management of this coterie, and I think a great change would be brought about by not having any coterie at all. The whole ship's company—the officers would be a homogeneous crowd and the men would not be divided among themselves.

The CHAIRMAN. You think it would be advantageous to discipline and the efficiency of the ship to have the ship's crew detailed in squads to do duty as coal passers?

Captain McCORMICK. No; I think that would give rise to a great deal of dissatisfaction.

Mr. HILBORN. How, then, are you going to abolish this coterie of coal passers?

Captain McCORMICK. You will not have to have a special crowd of people to look out for another special crowd. The man who looks out for this special crowd will be looking out for a great many other crowds on-board ship, too. In other words, the officer of the deck who is sent down to maintain order in the engine room will for that time be maintaining order over firemen and coal heavers and in a little while he will be drilling a company of blue jackets on deck. He will not be confined to any crowd or represent any crowd on the ship, and I think it is a matter of professional opinion, broadly stated, that we would get better results from it.

The CHAIRMAN. Do you not think even in that case the friction between the officer who happens to be in charge of the engine room or the fireman's room and the officer of the deck will be about as frequent and be about the same; that the officer of the deck when he thinks there is an untimely demand for the ash chute whip would be as likely to be snippy with the one as the other?

Captain McCORMICK. I think the probability of individual disputes will be as great, but I do not think there would be any personal heart-burnings left after them, and just at the present time it seems to me is a pertinent time for me to say the friction that did exist between the line and engineer corps of the Navy is to-day almost entirely a thing of the past.

The CHAIRMAN. In that connection do you consider the feasibility of establishing such regulations or such legislation as would maintain the harmony of the two corps and remove the cause of complaint and dissatisfaction?

Captain McCORMICK. I do think it could be done, because as it stands to day practically all complaint and dissatisfaction has disappeared on board of ship as far as I know, but my knowledge of course comes from the fact——

The CHAIRMAN. I want to ask you in regard to this matter of rank, why did not this board contemplate the amalgamation of all the official corps of the service? Did they think the assimilation between the line and the engineers was so much greater than between the line and the paymasters?

Captain McCORMICK. If it would not be divulging board secrets, legislation for the paymasters and marine corps and civil engineers was had in contemplation. It was, however, thought for the time being that the question of the amalgamation of the line and engineers was about enough to undertake, and the amalgamation of the other corps with the line of the Navy would not be at all so serious a question to undertake as the amalgamation of the line and engineers, that is, to absorb the engineer's duties.

I suppose anybody would acknowledge you could get men who could perform the duties of paymaster. Whether the duties of a paymaster should be performed by a line officer is another big question that will have to be discussed.

The CHAIRMAN. The question whether a paymaster or a doctor is happy on board ship or not, it seems to me, cuts about the same figure as whether a line officer or an engineer is happy?

Captain McCORMICK. The question of strife between the line and engineers of the Navy, I am glad to say, is nonexistent at the present day; practically it has disappeared. In old times it was pretty bitter.

The CHAIRMAN. My impression is——

Captain McCORMICK. I think if there is a dissatisfaction between the doctor and the paymaster of a ship and the line officer or other officers of the ship it is largely a question of the doctor not having his time occupied or the paymaster not having his time occupied; because the duties do not conflict.

The CHAIRMAN. Do they not complain about the matter of rank just the same as the engineers? If my memory is correct, there was some friction on that point of what is called relative rank between paymasters and doctors, probably on account of what you say, that they had more time to figure up complaints.

Captain McCORMICK. Well, that was a squabble between the doctor, the paymaster, and the executive, was it not?

The CHAIRMAN. Yes; a question about the right to have boats when they wanted them, and all that kind of thing.

Captain McCORMICK. These questions have pretty much all settled themselves, Mr. Chairman. At the time the six years seniority legislation went into effect, why it was distinctly to the advantage of the staff corps I think right through. That, however, is no longer the case. In other words, a doctor with the relative rank of lieutenant-commander until the line officer becomes a lieutenant-commander holds along with him. As soon as he and the line officer become lieutenant-commanders together the doctor ranks the line officer in every case because he has the six years' advantage, but the doctor who goes to sea with an executive officer and the executive officer is a lieutenant-commander, the doctor has probably only the relative rank of lieutenant, because they advance along with the people they entered with, and this by reason of law or regulation, I do not know which it is.

The CHAIRMAN. Do you not think a great deal of the disadvantage we are suffering from now has been due to the fact that we have legislated for one set of people at a time?

Captain McCORMICK. Yes.

The CHAIRMAN. Would it not be possible or feasible or advisable in reorganizing the personnel of the Navy to make a complete reorganization, if it is possible to do it?

Captain McCORMICK. In the reorganization which is contemplated in the present bill under consideration I do not see how it would conflict with any other reorganization. By adopting the engineers into the line of the Navy, so to speak, you do not change any relation which exists between the the line officers and the paymasters.

The CHAIRMAN. But you add very greatly, do you not, to the promotion, the possibilities of rank of the two corps without making any provision to meet the demands or requirements or desires from the other corps—the Medical Corps, the Marine Corps, etc. You also provide for machinists and do not provide for the warrant officers. We have a very serious complication before us.

Captain McCORMICK. I do not know that I take in the whole of that question, Mr. Stenographer. I do not think that in the bill as it stands here, that this committee is considering, that there is any marked change in the rank of anybody here or in the rapidity with which he is promoted except the rapidity which will be due to these enforced retirements. I do not know that that rapidity of promotion will at all conflict with any other corps in the Navy.

So far as the provision that is made by the bill for the warrant officers is concerned, I am quite clear in my mind that it is a wise thing to provide for warrant machinists, as is done by this bill. I am equally clear

in my mind that we would immediately begin to sacrifice our warrant officers if we gave them the rank that is already in contemplation in one section of the Revised Statutes; that is, the President at his discretion can confer the rank of ensign or junior lieutenant or lieutenant. The warrant people are intended here in the organization of the Navy to do manual work themselves, and when you begin to make them commissioned officers you begin to take them directly away from their sphere of usefulness. Of course, when I say that I do not want to disparage these men in any way, and I think to-day that the warrant officers of the Navy are as well paid for their position as any set of officers in the Navy.

They are raised up from the ranks, which is no disparagement to them, and they are expected to continue at work; and in occupying that position they of course are not expected to participate in social functions of to-day, which tends to make their pay go that much further. Although it is not a question to which I have given very serious consideration, except I have always been of the opinion if you give commission rank to warrant officers, as soon as you begin to give it you will begin to impair their usefulness. They are on board now exceedingly useful people, and I am satisfied the warrant machinist will be another very useful group added, but I am equally clear that if you make that group or the other groups commissioned officers you will impair their usefulness.

Mr. SOUTHARD. The warrant machinists will want commissions?

Captain McCORMICK. If you give them to the gunners the machinists will have to have them, and you would keep the whole crowd along in the same grade.

Mr. HILBORN. You do not think it is a good idea to hold out to the ordinary boy the hope of a commission by going in the service?

Captain McCORMICK. That is a very broad question. If you are going to hold out to him the idea of a commission, I think that you had better hold out to him the idea of his coming in at a younger age than he would be by coming in through warrant rank. You see a man is about 28 or 30 years of age when he gets to be made a warrant officer. I think it is about 26 or 28—I am not positive about the age—above which they can not be appointed under the existing rules.

Now if you are going upon the idea of promotion from the ranks you had better not pass him through the warrant grade at all, but pass him in directly and pass him in younger. In other words, the apprentice who distinguishes himself in any way—if you are going to consider that question—to my mind it is desirable that he should be commissioned an ensign rather than a warrant officer.

Mr. HILBORN. Of course that is a matter which you have studied?

Captain McCORMICK. To which I have given casual attention.

Mr. HILBORN. In a vague way I have myself had the idea that it would be a good thing to have the best young men of the country go into the Navy and hold out to them the idea that by faithful service, by bravery, etc., there was a hope ultimately that they could get a commission. I may be all wrong about it. What have you to say about that?

Captain McCORMICK. Years ago—it is well always to speak from experience—they held out to the apprentices who enlisted a hope that the best of them should be given appointment to the Naval Academy, through which gate they could enter the Navy. It broke up the apprentice system.

Mr. HILBORN. Tell me how, will you?

Captain McCORMICK. Every aspiring boy in the country went in as an apprentice, and as soon as he did not get the appointment to the Naval Academy his friends pulled him out.

Mr. HILBORN. You spoke of a section of the Revised Statutes which enables the President at his discretion to promote warrant officers to rank—giving him a commission. Has that ever been done?

Captain McCORMICK. Never to my knowledge.

Mr. HILBORN. Why has it not been done?

Captain McCORMICK. Well, it is impossible for me to say why it has not been done. I think if a discretion had been lodged in me, as I said in a previous part of my testimony here, I should have hesitated to have exercised it, because I think it would have been destructive to the usefulness of the warrant officers as a body.

Mr. HILBORN. You think, then, it is best for the whole service that the warrant officer should stop with his warrant; you say he gets it at about 23 or 24?

Captain McCORMICK. I think the age is about 26.

Mr. HILBORN. And that thereafter there should never be any hope of promotion. Do you think that is a healthy condition in our Navy?

Captain McCORMICK. Yes; I think that it is. Their duties remain the same.

Mr. HILBORN. Do you not think the hope of promotion in the line is a healthy influence to stimulate men to better work?

Captain McCORMICK. Well, I think that the hope of promotion there is, because with promotion you change your duties.

Mr. SOUTHARD. How many men would this affect—the promotion of warrant officers?

Captain McCORMICK. I do not know the number. It is in the Naval Register there [examining same]—160, without the machinists. That is, it would affect the boatswains, gunners, carpenters, and sailmakers.

Mr. SOUTHARD. Those are warrant officers? One hundred and sixty in the whole Navy?

Captain McCORMICK. I think it is 160. Yes; 45 boatswains, 51 gunners, 50 carpenters, and 14 sailmakers.

Mr. SOUTHARD. Perhaps I am getting away out of the line. I am asking more as a matter of curiosity; but if the committee will permit me, what is the duty of a sailmaker?

Captain McCORMICK. The duty of a sailmaker was to repair and make sails on board ship.

Mr. SOUTHARD. I understand that it was.

Captain McCORMICK. They are simply dwindling now——

Mr. HILBORN. They are not making new appointments?

Captain McCORMICK. There were probably 50 or 60 and we have got down to about 15 now. Their duties now are very much around navy-yards and some are utilized as steel inspectors; they are simply reliable men——

Mr. SOUTHARD. It is an obsolete title?

Captain McCORMICK. It is practically obsolete now.

Mr. SOUTHARD. Those others you say are useful men. They are practical mechanics, I suppose?

Captain McCORMICK. Yes, sir. The carpenters are mechanics now.

Mr. SOUTHARD. He used to mend ships in other days, but now they work in steel?

Captain McCORMICK. Yes. Ship fitters, men who build ships at navy-yards or around shipyards, are now the men who are getting appointments as carpenters in the Navy.

Mr. SOUTHARD. And the gunner?

Captain McCORMICK. He looks after and takes care of or gives his personal attention to the condition of the battery and its ammunition.

Mr. SOUTHARD. The gun, and looks out after the ammunition?

Captain McCORMICK. Its mounts and so on. He looks after the stores which are issued for use with the guns. There are a good many things about the ship, of course, which are taken out of the storerooms and put around for use, and now the gunner looks after those.

Mr. HILBORN. And there is another duty of the gunner now; he is the man who does the diving?

Captain McCORMICK. Not necessarily so.

Mr. HILBORN. Were not the men who did the diving on the *Maine* the gunners?

Captain McCORMICK. Some of them were. The seaman gunner is a grade in the Navy which receives an extra compensation by being qualified by having passed through the Washington Navy-Yard and the torpedo station; he is termed a seaman gunner and gets a dollar a month, I think it is, extra pay for being so qualified. In their qualifications diving is one part of it. Now, the gunners of the Navy as a rule are recruited from that class of seamen gunners, and, therefore, a man who is a gunner who is a diver was a seaman gunner and learned his business of diving at Newport.

Mr. Foss. I would like to make a suggestion here. I understand the report is coming in from the Committee on Foreign Affairs at 1 o'clock, and it is not likely we will be able to reach Commodore Melville to-day, and I would suggest he be excused and invited to be present to-morrow at 11 o'clock, if it meet with the approval of the committee. I know that he is very busy.

Mr. SOUTHARD. What is the duty of a boatswain?

Captain McCORMICK. Broadly stated, a boatswain is the leading man of the sailors as a whole. His duty is to be on deck during the working hours of the day, from the time that the men are called from their beds in the morning until they are sent to their beds again in the evening, and during that time he is around on the forward part of the ship, where the men mostly congregate, and any work that is going on with regard to a large gang of men is generally superintended by the boatswain.

Mr. SOUTHARD. Mechanics, machinists?

Captain McCORMICK. No; roustabout work; work that requires a large gang of men to do it, working together.

Mr. SOUTHARD. What do you call these men whom he superintends?

Captain McCORMICK. They are the seamen, the landsmen, and the apprentices; they are the group of men working on deck. For instance, when you are taking in stores and provisions and are working a large gang of men, the boatswain will be around giving them directions and looking after them.

Mr. SOUTHARD. In loading on your stores and unloading your stores, who does the work?

Captain McCORMICK. The seamen.

Mr. SOUTHARD. The regular enlisted men?

Captain McCORMICK. Yes.

Mr. SOUTHARD. And those are seamen and landsmen?

Captain McCORMICK. Ordinary seamen, landsmen, and apprentices.

Mr. SOUTHARD. What are the duties of your landsmen?

Captain McCORMICK. Their duties, broadly stated, are supplying muscle. They are the men who are taken on board in the beginning

without any sea training at all; supposed to be simply green people who are taken up. They are capable of doing work providing some—

Mr. SOUTHARD. They are not a part of the fighting force of the ship?

Captain McCORMICK. Yes, they are a part of the fighting force of the ship. They go in the gun crews and powder divisions.

Mr. SOUTHARD. But they enlist as landsmen and serve as landsmen, and they become part of the seamen in the sense that they do everything the seamen do?

Captain McCORMICK. Yes; they work right along with the seamen. They have a lower rate of pay and are in the line of promotion to ordinary seamen first and to seamen afterwards.

Mr. SOUTHARD. You have three grades, landsmen, ordinary seamen, and seamen?

Captain McCORMICK. Yes.

Mr. HILBORN. Rigging tackle, etc., would be done by the boatswain?

Captain McCORMICK. Yes, sir; he looks after and handles the anchors. For instance, when you raise the anchor up this is the man who looks out for hooking the tackle, etc.

Mr. SOUTHARD. A sort of mate on the ship?

Captain McCORMICK. Yes, that is about it—that is, when the captain is on the bridge the mate is forward on the forecastle looking after the work. Now, when the captain is up there we have a commissioned officer on the forecastle looking after the work there—that is, when all hands are working—and in addition to this commissioned officer the boatswain is there too.

Mr. SOUTHARD. He is a sailor under a commissioned officer?

Captain McCORMICK. Yes, sir.

Mr. HILBORN. The commissioned officer issues the orders to the boatswain?

Mr. SOUTHARD. A sort of second mate?

Captain McCORMICK. The commissioned officer is sent there when the whole ship's company are working together. When the watch resumes work the commissioned officer comes back and takes his place on the deck, and the boatswain continues forward.

Mr. FOSS. I would just like to ask you one question, and that is, What does this bill do for the enlisted man? How does it increase his efficiency, if at all?

Captain McCORMICK. I think the bill provides for a better retirement for him after thirty years, does it not?

Mr. FOSS. Yes.

Captain McCORMICK. I got the notice that I was to come here last night, and I was perfectly familiar with the bill three months ago. I think that is a very important thing, and I think it should stand in the bill, by all means, that the men should have the same advantages of retirement—that is, the sailor men—that the soldiers and marines do.

Mr. HILBORN. This puts a limitation, however, and prescribes that he must have served fifteen years on a cruising vessel. Do you think that limitation is wise?

Mr. SOUTHARD. That is a thing about which we have been talking, whether it would be entirely equitable that he should be required to serve at least fifteen years on a cruising vessel before he would be subject to retirement. The suggestion was this, that whether he served on a cruising vessel or somewhere else was not a matter of his own determination but was a matter to be determined by somebody else, and that might work a discrimination against a man who was compelled to serve elsewhere than upon a cruising vessel.

Captain McCORMICK. The Chief of the Bureau of Navigation can give you more information upon that than I can; but it has only been within a few months, certainly within a year, since the character of the enlistment of these people who served on the stationary ships has been changed. They enlisted for special service and I presume that the limitation in the bill that they should have been on a cruising vessel would be better paraphrased if you stated it should be spent in general service; that is, where they were liable to be sent away. If a man enlisted for special service on board a receiving ship at Washington Navy-Yard he could not be sent to a cruising ship; it would be in violation of his contract.

Mr. SOUTHARD. Do you enlist men now for special service that way?

Captain McCORMICK. I think that has been abolished entirely, but I can not answer positively. Commodore Crowninshield can give you absolute information upon it. It is carrying a good many general orders in one head to answer positively off hand. I do not know just how this paragraph reads; if you will permit me to look at it [examining same]. I should not be entirely agreeable to that part of it, to be on a cruising vessel, but I should say it should be spent in general service.

Mr. HILBORN. Would you call a monitor a cruising vessel?

Captain McCORMICK. When she is in commission for sea service.

Mr. HILBORN. That is, at sea?

Captain McCORMICK. Yes.

Mr. HILBORN. Take the *Monadnock* up here?

Captain McCORMICK. That is a cruising vessel.

Mr. BODINE. How about a receiving ship?

Captain McCORMICK. She would not be; and I fancy that particular clause was put in to eliminate those people who had been simply serving on board a ship that never had any expectation of going away and whose enlistment was of such a character they could not be sent away.

Mr. HILBORN. That would not affect very many men?

Captain McCORMICK. Very few. Those particular people would seem to have no claim to retirement. A man who enlisted, for instance, to do duty on board a receiving ship at the Washington Navy-Yard, when we had one in service there, I do not think would give him any claim to retirement.

Mr. HILBORN. What would be the nature of that special service you would enlist for?

Captain McCORMICK. For instance, he would go there and enlist for a quartermaster for one year. He would enlist for one year and he would be appointed, say quartermaster. You know what the duty of a quartermaster of a ship in port is, to keep a lookout; and another would go and enlist as master-at-arms. In other words, on each one of those ships there were probably some twenty people who belong to the ship permanently who were never sent away from her, and those were the special-service men.

Mr. FOSS. I would like to ask a couple of questions in conclusion—that is, first, in your judgment, do the provisions of this bill effectually relieve the so-called “hump”?

Captain McCORMICK. The provisions of this bill provide for an ample flow of promotion, to that extent preventing the formation of humps and to a certain extent leveling down the hump that already exists, but it has not taken cognizance in any way of the existence of the hump. It has simply been an effort to provide for a flow of promotion of such a character as will surely bring a man to command rank by the time he is 45 years of age.

Mr. FOSS. Just another question I would like to ask you, and that is, whether, in your judgment, the provisions of this bill harmonize the existing differences between the line and the Engineer Corps?

Captain McCORMICK. I think that would effect it.

Mr. FOSS. Just one more, and that is, whether or not, in your judgment, the bill, taken as a whole, increases the efficiency of the naval service?

Captain McCORMICK. Barring section 9, I think it does.

Mr. FOSS. It will increase the efficiency of the Navy?

Captain McCORMICK. I think it will. I think that section 9 is one that will give us a great deal of heartburn and a great deal of turmoil.

Mr. DAYTON. May I ask one question, and that is, Captain, do you believe that a large majority of men of both the line and engineer corps favor the measure?

Captain McCORMICK. I do not know that I could answer that, because my information is not from enough people to justify me in an answer.

Mr. HILBORN. One officer was here yesterday, and he said the reason why he gave in his consent to the matter reluctantly was that it gave better pay to the line. Do you think that has had any special influence with the officers of the line in supporting this bill?

Captain McCORMICK. You mean officers of the line outside of the board?

Mr. HILBORN. I mean the officers of the line in general? I do not mean, of course, the board?

Captain McCORMICK. I really can not say, because I have not conversed with enough officers to generalize over it. Of course, we all felt, and have felt for a number of years, the hardship affecting the pay of the line of the Navy.

Mr. SOUTHARD. It is safe to say they do not object to that feature of the bill?

Captain McCORMICK. It is safe to say that is a very popular feature of the bill.

Mr. DAYTON. On that point I would like to ask, is there any earthly reason why a naval officer should not be paid as well as corresponding ranks in the Army in your judgment?

Captain McCORMICK. No, not that I know of; the only point I know of is Congress does not pass the necessary bill.

Mr. DAYTON. I would like to have the captain express himself frankly about it, because it is a matter in which Congress will interest itself.

The CHAIRMAN. Of course, you are not obliged to answer any hypothetical question.

Mr. DAYTON. I simply wanted him, if he were free to express his reasons in regard to that matter, to give us those reasons.

Captain McCORMICK. As a naval officer, I have never felt that there was any great reason why the pay of the Army and Navy should be the same; but when it became necessary in this particular proposed legislation to provide for the pay of people who were receiving different rates of pay, it seemed to me that it was very wise that you should pass to some pay table that already obtains, upon which to predicate the pay which should be given to the amalgamated line of the Navy hereafter.

That pay I believe is not, all the way along, quite as good for the engineers as they have been getting, but it was sufficient to meet with the approval of the engineers of the board, and as their pay could not be cut down to the level of the line pay, with any hope of getting them to agree to any such bill as a body, it was concluded that you would equalize the line pay with what the engineers were practically receiving

at the present time, and also equalize the pay that the marine officers were actually receiving. For the higher officers of the board the proposed pay is about the same they are getting now, except that they get better pay when they are on shore.

Mr. HILBORN. I understand this bill drops out the difference between sea pay and shore pay?

Captain McCORMICK. I think it does entirely.

Mr. HILBORN. Is that wise? Is there not a reason why an officer at sea should receive more than on land?

Captain McCORMICK. Well, I suppose there is a reason why he should receive more when he has to support his own mess and his family's mess in different places.

The CHAIRMAN. That appeals very strongly to a Member of Congress who has to board here and keep a home besides.

Captain McCORMICK. However, if he was given better pay when he was on shore he could equalize it when he went to sea. For instance, when a man receives better pay in the three years on shore he could be prepared to receive the same pay when he went to sea and have to support two establishments.

Mr. HILBORN. The pay at the present time of an engineer is more than that of the line, is it not?

Captain McCORMICK. In a great many cases, yes.

Mr. HILBORN. I suppose the reason of that was that an engineer could only advance to a certain grade and would be retired at a certain grade, so when he was in the service it was proper he should be paid more than the line who would go on advancing and could be retired as rear-admirals, etc. Now, if you amalgamate the two corps, if you make the engineer a line officer, his promotion is not arrested at any particular point and he can retire as a rear-admiral. Does not that afford a reason why we should cut down the pay of an engineer rather than raise that of the line to his standard?

Captain McCORMICK. Well, I think that is a matter of argument. In the old times the idea was if these people did not advance to these higher retiring ranks and pay they should get better pay all along the line, and I will say to the committee, what may not have suggested itself to them, that the higher pay all along the line is of a great deal more use to the man than the high retired pay, because he receives that at a time when he has to fix his family in life.

Thereupon the committee adjourned to meet at 11 a. m. on Thursday, April 14, 1898.

APRIL 14, 1898.

The Committee on Naval Affairs of the House of Representatives this day met to continue the hearing on the so-called naval personnel bill, Mr. Foss in the chair.

Personally appeared before the committee Commodore George W. Melville and Passed Assistant Engineer W. W. White.

STATEMENTS OF COMMODORE GEORGE W. MELVILLE AND PASSED ASSISTANT ENGINEER W. W. WHITE.

Commodore MELVILLE. I invited Mr. White to come along with me this morning in order that he might give facts and figures which I might not know. He is well posted on facts and figures.

Mr. Foss (in the chair). We are glad to have him here. Will you state your position in the naval service of the United States?

Commodore MELVILLE. I am engineer in chief of the Navy with the relative rank of commodore. I have been chief of the Bureau of Steam Engineering for the last ten years and eight months.

Mr. FOSS. Also please state whether or not you were a member of the board which prepared the so-called personnel bill?

Commodore MELVILLE. I was a member of the board that prepared the personnel bill, which board consisted of seven line officers, four engineer officers, and the Assistant Secretary of the Navy as president of the board.

Mr. DAYTON. I want you to state, if you please, whether you favor this bill; and if so, for what reasons?

Commodore MELVILLE. I am unqualifiedly in favor of the bill as presented to your committee during the last month—this particular bill—for the following reasons: That I have been coming before your committee here for the last ten years pleading for an increase in the engineer corps of the Navy, in order that I might be able to carry out the efficient performance of the duty assigned to the engineer corps of the Navy of the United States.

From time to time I have made a number of propositions to the Congress of the United States, in order that we might increase the efficiency of the Engineer Corps of the Navy according to my ideas and on the lines laid down by my predecessors in office and the Engineer Corps of officers of the Navy.

Mr. DAYTON. Right there let me ask you a question. Let me call your attention to this. Upon a former day of the session you presented to the chairman a communication and a proposition to have appointed 100 engineer officers?

Commodore MELVILLE. Yes, sir.

Mr. DAYTON. It was thought by some of the members of the committee that it was a proposition inimical to this present personnel bill?

Commodore MELVILLE. Yes, sir.

Mr. DAYTON. I want you to state whether you presented it with any such idea in view, or whether you prefer the personnel bill to that proposition, and why it was presented.

Commodore MELVILLE. I was coming to that, and I am very glad you ask the question. After I had been coming here for ten years or more asking for relief for the Engineer Corps, not only the members of the naval committees of the House and of the Senate, but the members of the House and Senate, direct and indirect, throughout the whole Congress, had informed me that, if the line of the Navy and the engineer officers of the Navy could get together and agree on any particular bill that would be for the benefit of the whole service, that you gentlemen would be ready to act.

For that reason the commission was formed, of which Mr. Roosevelt was the head. I am free to say that for a great many years I had my own ideas in regard to what the Engineer Corps should be, as represented from time to time here for the past ten years since I have been the head of the corps; but when I went into court and the whole matter was discussed by the line officers and the engineer officers I made up my mind that the best possible thing to do was to accept this compromise measure, the present personnel bill, and I believe it will be for the best interests of the Navy—not for me individually, gentlemen, for I am getting old; I will have to go on the retired list before long.

I have not a penny's worth of value one way or the other in this matter, not a thing to lose and not a thing to gain. Therefore I am perfectly free and impartial on that. I have heard from nearly every

member of my corps, and I do not believe there are six men out of the 176 composing the corps that object to this bill. I have one letter in particular from an old man who is on the retired list who thought it was altogether wrong, but he has been retired for about fifteen years now, and I do not think his opinion goes for much.

Mr. BUTLER. You spoke of your corps being in favor of this bill. Is it actively in favor of it or passively in favor it?

Commodore MELVILLE. Actively. Now, I was asked why I wanted this bill, and my reply is, for the sake of the Navy itself. I started in the service before the dawn of manhood started on my face, before a razor had gone on it. I have been in the service now going on thirty-eight years. As I said before, I am going to get out. But nothing would do so much violence to my feelings as to think I was doing anything that would hurt the Navy. I am here as a champion of this bill, and I believe it presents the best possible solution of the difficulty. It will bring harmony where there is nothing but discord. Captain McCormick, an officer of the highest standing, with whom I have sailed twice, who is very near to me, said he had observed no great friction between the line officers and engineer officers of his ship. That is because Captain McCormick is a very clever man. He would not let a line officer abuse an engineer officer.

But I have served in ships, gentlemen, where the captain and other officers encouraged the line officers to abuse the engineer officers. I have been accused in this room of being hypercritical, of being sensitive, and that sort of thing. Why should I not be sensitive? I have certain rights and privileges under the law the same as every line officer has. The regulations give me certain duties and give me certain privileges on board ship. I would be a churl if I did not stand up and say, "Captain, this is my right and I want it, and it belongs to me." Because I have had the manhood to do that, to stand up for my rights, I have been accused of being hypercritical, excitable, and unreasonable. I have been accused of that only because I have claimed what was mine under the law.

Mr. FOSS. Please state in general terms what have been the special grievances of the engineer corps under the present situation.

Commodore MELVILLE. That we have neither the rank nor the title. I have been looked upon as the stepson of the Navy, as it were. I have got tired of being the stepson or the bastard son of the Navy. I was made to understand that I was a thoroughly efficient officer in my own branch of the service, but I was in the service but not of the service.

Mr. DAYTON. Then I understand you to mean, Commodore, that your proposition for 100 additional engineer officers was in no wise antagonistic to this?

Commodore MELVILLE. No, sir; quite the contrary. A couple of weeks ago, when it was looking as if war was right on us, our large ships, which should have five or seven or eight engineers, as large ships have in the English navy, that we are copying after to a great extent, have only two or three. I have been skinning out the best I could. Where we have three engineers, I would take out one and leave two. I would give that one engineer to some ship which needed him the most. Where there were two engineer officers we would take out one and put him into some other ship. On ships where there were three or four I now have only two or three engineer officers.

I felt as though the time had come when I must place myself on record not only with the Secretary of the Navy but with you gentle-

men and before the people of the United States; that if our ships should come to grief through any accident from the engineer corps, through their part in the battle, it should be no fault of mine. Therefore I was compelled to say that I must have more engineer officers, that I did not care much where they came from, but that I must have them. I waited on the Assistant Secretary of the Navy, and also the Secretary of the Navy, and discussed the matter with both of those gentlemen. I said: "Mr. Roosevelt, if you think this is going to interfere at all with our scheme for the amalgamation of the two corps, I will not submit this, but let us see if we can not get Congress to do something else to lead us out of this terrible strait." He looked over my proposed measure and said: "I think you are all right, old man, go ahead." I went to the Secretary of the Navy and submitted this plan, and he said: "Very well; I don't think we can do anything else."

I came here and asked for 100 additional engineers, but that was not to complicate this bill; on the contrary, I had an idea it would help it along in this way: If I were allowed the 100 men in the manner I proposed to take them, we would probably get 60 or 80 of the men we were going to get anyway—the young fellows just coming from the naval school. I might have occasion to take possibly 25 of the men from schools and colleges outside. I was in hopes of locking the two together—the engineers to go in their proper places with the line officers, as we have already arranged. Captain Crowninshield and some of the line officers who served on the board which framed this bill thought it might interfere with our amalgamation scheme. That gave them a scare. It gave me no scare, because I believed our positions to have been adjusted, and the reason I asked for 100 engineer officers was to fill a gap of dire necessity.

Mr. LOUDENSLAGER. Would not that bill of yours have increased the number over and above the personnel bill?

Commodore MELVILLE. Yes, sir; because as we are going now they would be amalgamated together—that is, the engineer officers and the line officers would be amalgamated. But let me explain a point there, that at the present time the law allows us 195 engineer officers all told. I think we have about 175 or may be 180—

Mr. WHITE. One hundred and seventy-six.

Commodore MELVILLE. One hundred and seventy-six all told. By the amalgamation scheme we will have something like 350 ensigns and junior lieutenants, all of whom may be assigned to service in the engineer corps. If necessary, the whole of them can be put on engineering duty, or none of them, depending upon the exigencies of the service. So I would really be increasing my number with the 176 men I have, and part or all of the 350 ensigns and junior lieutenants of the line who have had more or less engineering education at the Naval Academy. That is where I was going to get my strength.

Mr. DAYTON. Now I want to ask you and Mr. White in connection what I do not believe has been brought out in any of the hearings here. Take, for instance, any of the battle ships; we will take the *Minneapolis*. I want you to state the number she has aboard, ordinarily.

Commodore MELVILLE. I can give you the figures. I make up the roster for those ships in the engineer's force.

Mr. DAYTON. I want you to tell me how many men there are aboard the *Minneapolis*, for instance, on any ordinary occasion, and then tell me how many of them are engineers under the control of men like you—engineer officers—and how many of them are under the control and charge of the line officers?

Commodore MELVILLE. I beg your pardon—you spoke of the engineers. You meant the engineer force?

Mr. DAYTON. Yes, sir.

Commodore MELVILLE. The total number on the *Minneapolis*, for instance, would amount possibly to 425 or 450 men. You served in her, Mr. White; is that correct?

Mr. WHITE. Yes, sir; that is right.

Commodore MELVILLE. Probably 425, including marines, and thirty of those men are servants; and in the engineer force alone we have about 195 men.

Mr. WHITE. One hundred and ninety-six men.

Commodore MELVILLE. Well, that is pretty good for the man who made the roster of that ship three or four years ago.

Mr. DAYTON. Then, I understand thirty of the 450—give that as the outside number——

Commodore MELVILLE. Cut it in two; say 200 of the engineer force and 250 for the deck force—40 of those are marines, and 30 of those are servants—and then you will have an idea of the men in the engineer force that we have to handle down below. Unfortunately, the people of the country are in the habit of seeing an agricultural engine run, with a man squirting some oil on it, and those people generally hold the idea that that is the duty of an engineer. A ship like the *Brooklyn*—which you were on with me, Mr. Loudenslager—will take 200 men to man her below. Her machinery cost \$800,000, and works up to ten or fifteen thousand horsepower, in accordance with the manner in which we are driving her.

Mr. HILBORN. Do you think this ensign from Annapolis is fit to do that?

Commodore MELVILLE. No man fresh from school is fit to do anything; but he starts in to learn the same as a young lawyer or a young doctor or a young man in any other profession has to start.

Mr. DAYTON. You say there are 200, on an average, of these men that are in the engineer corps or engineer force?

Commodore MELVILLE. On that particular ship.

Mr. DAYTON. Yes; and of the balance, 30 are in the Marine Corps, and 30 are servants?

Commodore MELVILLE. Yes.

Mr. DAYTON. They make up the force on deck under the control of the line officers?

Commodore MELVILLE. Yes, sir.

Mr. DAYTON. Now, what I want to get at is this: Ordinarily how many engineer officers have you to command these 200 men below?

Commodore MELVILLE. One chief engineer, who has probably had thirty-five years' experience, three or four assistant engineer officers, with experience running probably from three or four years up to fifteen years.

Mr. DAYTON. Now, what line of officers have you aboard ship, ordinarily?

Commodore MELVILLE. The captain of the ship, of course; the executive officer, the navigating officer, the ordnance officer, and probably from four to six watch officers.

Mr. DAYTON. Any ensigns?

Commodore MELVILLE. A lot of ensigns and midshipmen and others who do ordinary duties around to help out. I think I had better ask Mr. White the number of officers aboard the *Minneapolis*.

Mr. WHITE. There were 17 officers in the wardroom on the *Minneapolis*.

Commodore MELVILLE. These are commissioned officers in the wardroom.

Mr. WHITE. There was a chief engineer and two passed assistant engineers, an executive officer, a navigator, five watch and division officers of the line, a marine officer, a chaplain, a paymaster, two doctors, and at the time I speak of she was a flagship, and there were two line officers attached to the staff.

Commodore MELVILLE. Attached to the Admiral's staff.

Mr. DAYTON. I want to ask Commodore Melville another question in that connection. Now, that is the condition to-day, as I understand it. The engineer force is fully as large on the *Minneapolis*, for example, as the line force. What was the condition when you entered the Navy and before the development in steam engineering and in the steam branch of the ship was so thoroughly developed?

Commodore MELVILLE. Let me state it broadly. Taking the whole of the modern Navy, I will say the engineer force runs from one-fourth to one-half of the whole ship's company—large ships and small ships.

Mr. HILBORN. You speak now of the engineer force?

Commodore MELVILLE. Yes, sir. I did not want to take unfair advantage of our friend by saying that all the ships have one-half or more than one-half. I want to be liberal, and say one-fourth to one-half of all the force on board ship.

Mr. FOSS. Explain what that consists of, if you please.

Commodore MELVILLE. The force consists of engineers, machinists, oilers, water tenders, firemen, and coal heavers.

Mr. LOUDENSLAGER. What proportion of engineers?

Commodore MELVILLE. Mr. White thought I made a mistake in regard to the number of machinists. We have a number of machinists as enlisted men who are included in the engineer force. There are engineers, oilers, water tenders, firemen, and coal heavers. They are the men that comprise the engineer force aboard ship. The engineers are the officers, the commissioned officers, of the force. We may have besides a cadet or two that is not commissioned, who may be taking his two years' initiatory. We let him learn the business as well as he can. To command the whole of that force we have a chief engineer and probably four or five assistant engineers.

Mr. LOUDENSLAGER. From four to five assistant engineers?

Commodore MELVILLE. Yes, sir.

Mr. LOUDENSLAGER. That is not counting the cadets?

Commodore MELVILLE. No, sir; and we do not always have cadets on board. A great many ships have no cadets at all. For instance, we get from eight to thirteen engineer cadets who come out of the Naval Academy each year. That has been so for the last ten years. They are distributed among forty ships. A large ship, if she is short of engineers, is probably given a cadet to help them out. In the smaller ships there are no cadets.

Mr. LOUDENSLAGER. You divide those eight to thirteen cadets so they are placed where you think the necessity exists for them?

Mr. DAYTON. Recurring to the idea expressed by Mr. Hilborn, who asked you in effect if you believed a young graduate of the Naval Academy was capable of going down and taking charge of the engines, I want to ask you the corollary of that question—if the young Naval Academy graduate is any the more capable of taking charge of the deck and commanding the vessel as a line officer and of discharging that

duty, or whether their position in the line and in the engineer corps is exactly the same, that they must be in a subordinate position until they gain experience?

Commodore MELVILLE. That is exactly the case. We have cadets on deck and we have cadets below. If we are short of hands below we ask for a cadet. The engineer officers are often compelled to ask the commanding officer to permit them to put a cadet in the engine room or in the fire room to help out; it may be that a cadet is asked for on deck to help out. The first lieutenant may go to the captain and say: "There is so and so, a bright intelligent cadet; we need him on deck; we would like to put him on afternoon or morning watch." If we are short handed in the engine room, and there is a young cadet lately out of school but bright and intelligent, the chief engineer will often take the risk of court-martial upon himself by letting the cadet help out—because if a break occurs and a cadet is on watch the blame rests on the chief engineer. But, as I have said, he often takes the risk to help out. That is because there are not enough engineer officers, and they must have some help.

Mr. HILBORN. You will have to excuse me, because I have read so much literature written by you and the rest of the engineer corps warning the country of the danger of putting inexperienced men in charge of the delicate machinery of our ships that I can not change in a moment, and it has had its effect on my mind. I want to ask some questions so you can reeducate me. You say that a cadet just from Annapolis would not be a first-class engineer, but he would be as well equipped to perform the duties of an engineer as he would of a line officer?

Commodore MELVILLE. Permit me to correct that. I did not say he could perform the duties of line officer as well as an engineer, but I said he would be equally as well equipped as an engineer as a line officer cadet would be equipped for his duties on deck.

Mr. HILBORN. I understood you to say that a cadet from Annapolis would be as well equipped to perform the duties of an engineer as he would be to perform the duties of a line officer.

Commodore MELVILLE. No, sir.

Mr. HILBORN. You did not mean that?

Commodore MELVILLE. I did not say that. I said that two cadets—one being a cadet on deck, and the other being an engineer cadet—that the engineer cadet could perform his duties in the engine room as well as the other cadet could perform his duties on deck.

Mr. HILBORN. The curriculum for fitting a man to be an officer in the Navy has never been less than four years.

Commodore MELVILLE. I think not, except in time of emergency or war.

Mr. HILBORN. Yes; except in an emergency.

Now, then, under this new arrangement up to this time you have educated those men for the duties of engineer officers by giving them one year's schooling in the Naval Academy, haven't you?

Commodore MELVILLE. No, sir.

Mr. HILBORN. Haven't you done even that?

Commodore MELVILLE. Be careful. When we had the cadet-engineer system we had a four years' course at the Naval Academy. Here is one young man that took that course for four years as a cadet. But our people were getting on so well, and we were getting all the star men, that the system was broken up and of late years all the graduates from the naval school are put in en masse and run together for three

years, and the last year some of them have one year of engineering—those that are to be engineer officers—and then two years in the engine room afloat, giving them three years of engineering education.

Mr. HILBORN. Is that as severe a training as the engineer receives who takes charge of an ocean liner?

Commodore MELVILLE. The man who has charge of an ocean liner has probably been going to sea for 25 or 30 years. The man who takes charge of an ocean liner——

Mr. HILBORN. This country is celebrated for the very bright set of engineers that we are turning out in our technical schools and in our great manufacturing establishments. Is not that true?

Commodore MELVILLE. That is correct.

Mr. HILBORN. We have in this country some of the brightest engineers in the world, have we not?

Commodore MELVILLE. That is correct.

Mr. HILBORN. Ought not the United States to have the best?

Commodore MELVILLE. Without a question of doubt.

Mr. HILBORN. Any system, then, that shuts out, that bars the United States from getting the best, is bad, is it not?

Commodore MELVILLE. If that is the fact, yes, sir.

Mr. HILBORN. Do you believe that the system that you recommend in this bill will result in the United States getting the best skill to manage the machinery—this valuable machinery which we put into our vessels now?

Commodore MELVILLE. Eventually, yes.

Mr. HILBORN. Eventually. When?

Commodore MELVILLE. When the navy engineer has had one half the experience that the marine engineer has had running across the Atlantic, the navy engineer will be the better man of the two.

Mr. HILBORN. How many years will that take?

Commodore MELVILLE. From five to forty, according to a man's intelligence.

Mr. HILBORN. Then you think in from five to forty years this thing will work well?

Commodore MELVILLE. No, sir; from to-day, because we have a superior class of intelligent men.

Mr. HILBORN. Why do you say that the men from Annapolis are superior to the men from other technical colleges?

Commodore MELVILLE. I do not think they are superior.

Mr. HILBORN. Did not you say that?

Commodore MELVILLE. I say we have, according to their education. Mr. Hilborn, you are trying to put words in my mouth. I will not permit you to do it. I stand, or sit, on my rights here, and I will let no man put words in my mouth. You must put the question to me properly and I will answer it properly, with the spirit and understanding that I will answer no question of yours categorically. I must make my explanations.

Mr. DAYTON. In the consideration of other matters I do not want to overlook the question I asked you as to the condition between these two corps under the old régime.

Commodore MELVILLE. Well, in the old days—take a ship like the *Lancaster*. She had about 1,000 horsepower, and during the war she had from five to seven assistant engineers aboard her. I served after the close of the war in her under a new system. In fact she was one of the first ships that had the machinist system aboard her. She had

a chief engineer, two assistant engineers, and I think four machinists. That was for a ship of about 1,000 horsepower.

Mr. DAYTON. How many line officers had she?

Commodore MELVILLE. Probably 400 men all told, and in the engineer force there were probably 35 men.

Mr. DAYTON. Then the difference is simply that the engineer force has increased to one-third to one-half of the whole force, from 35 men up.

Is it not true that all the guns are now fired by machinery—run by machinery largely?

Commodore MELVILLE. Not fired—that is, they are worked, they are swung into position and trained either by steam power or hydraulic power or electric power.

Mr. DAYTON. The line officer has to be an engineer to the extent of understanding the electric power, and has to control the machinery that runs the gun and trains the gun; is not that true?

Commodore MELVILLE. That is correct.

Mr. DAYTON. Then, what inherent difference is there between a man that commands the machinery that trains the gun and loads the gun and the man who trains the engines and commands those who manage them, as to the question of rank?

Commodore MELVILLE. There is not a great deal of difference, sir. Each branch of the service has its specialty, and, of course, we are all supposed to be equally clever in our own branch of the business.

Mr. FOSS. On one of our modern battle ships, to-day, about how many engines have we?

Commodore MELVILLE. Well, probably, 40 or 50. I remember one ship that had 158 steam cylinders, each cylinder being called a steam engine.

Mr. HILBORN. How many on the *Minneapolis*?

Commodore MELVILLE. Probably 50, sir.

Mr. WHITE. One hundred and seventy-two steam cylinders.

Commodore MELVILLE. I was guessing at the engines themselves; that is, sometimes we have one engine, perhaps, with three cylinders. I was running through my head the number of auxiliary engines of all kinds.

Mr. FOSS. Take one of our battle ships, the *Oregon*, or *Massachusetts*, or *Iowa*. How many steam cylinders on such a ship as that?

Commodore MELVILLE. About 50 engines and 150 steam cylinders. Sometimes we have a single cylinder to an engine, and sometimes three cylinders compose one engine.

Mr. FOSS. The number of engineers you have to-day is, as you have said, 190; you are allowed that number?

Commodore MELVILLE. Yes, sir; 195.

Mr. FOSS. That was fixed by the law of 1890?

Commodore MELVILLE. In 1882 there was an act of Congress reducing our corps from 270 down to 170 by slow reduction. A few years ago I prevailed upon Congress to stop the reduction. It was stopped just where we had 195 men.

Mr. FOSS. That was what year?

Commodore MELVILLE. 1894 or 1895; a couple of years ago. It was while Mr. Herbert was Secretary of the Navy, I remember.

Mr. DAYTON. Speaking about the jealousy and unfortunate feeling that existed and has existed between the engineer corps and the line officers, I want to ask you if that was confined alone on the part of the

line officers to the engineers? In other words, were there not some very brave, gallant, and distinguished officers who volunteered during the war from civil life whom the line officer who graduated from Annapolis dubbed in contempt "the mustang element" in the Navy?

Commodore MELVILLE. Yes, sir. I am considered a "mustang" in the Navy because I did not come from the naval school. I am a "mustang" engineer.

Mr. DAYTON. So there has been jealousy on the part of the line officers even toward themselves unless they came from the naval school?

Commodore MELVILLE. Yes, sir; that is correct.

Mr. DAYTON (continuing). To the injustice of the men who came from civil life?

Commodore MELVILLE. I must say that that is the fact.

The CHAIRMAN (Mr. Boutelle). Do you think that that was confined to the line officers in the Regular Navy?

Commodore MELVILLE. Who else would dub them as they did?

The CHAIRMAN. The regular engineers.

Commodore MELVILLE. Not much——

The CHAIRMAN. I beg your pardon, I was there, and I found that to be so.

Commodore MELVILLE. I don't see why they should dub you a mustang.

The CHAIRMAN. Because we were not regular. The most feeling of that kind I ever encountered was from a paymaster. It was an exhibition of human nature that you are apt to find most anywhere. I do not think it was confined to the line officers. It was not a feeling between the line and engineer officers, but between the regular and the volunteer.

What do you regard as the effect of this bill upon the autonomy of the engineer corps, if it becomes a law?

Commodore MELVILLE. We lose our status and standing as an engineer corps.

The CHAIRMAN. Absolutely?

Commodore MELVILLE. Yes, sir; but there will be an engineer corps under a different name.

The CHAIRMAN. How can there be when the people who act as engineers only do it alternatively, and are really line officers, and there is no distinctive set of men who are engineers?

Commodore MELVILLE. I beg your pardon, there will be.

The CHAIRMAN. How?

Commodore MELVILLE. After a certain advance in the lower grades a line officer must choose to remain in the engineer corps of the Navy and continue doing engineer duties; only engineer duties; not doing any duties of the line officer at all—starred off, as it were. He might be captain or commander or lieutenant-commander, but he would be doing engineer work.

The CHAIRMAN. When does that begin? That is an entirely new thing to me. That is an entirely new thing here. Have you ever understood that, Mr. Butler?

Mr. BUTLER. I understood all along that the engineer corps and the line officers would be amalgamated. That was the first thing; and, secondly, that men who developed particular aptitude in an engineering line would be assigned to engineering duty.

The CHAIRMAN. Permanently?

Mr. BUTLER. No; I did not understand that.

Commodore MELVILLE. I may be wrong about that.

Mr. BUTLER. In other words, that a man who developed particular adaptability—

The CHAIRMAN. My understanding was that these were to be alternative duties.

Mr. BUTLER. That men were to be selected according to their adaptability, but not permanently.

The CHAIRMAN. Every line officer will be liable to engineer duty. I will ask Mr. White about that. Under this proposed legislation, after it goes into effect, will not every line officer—we will eliminate the present engineers of the older type, who are made exceptions of in some respects—be subject to detail as an engineer?

Mr. WHITE. Yes, sir.

The CHAIRMAN. Will he not be required to serve a certain amount of time as an engineer?

Mr. WHITE. Not necessarily.

The CHAIRMAN. Will he not be just as much required—won't the requirements that he shall put in a certain amount of time as engineer be just as applicable as the requirement now that an officer shall be eligible to the Hydrographic Office or the Ordnance Office?

Mr. WHITE. If he develops a certain aptitude in engineering, the chances are that he will be ordered to do engineering duty.

The CHAIRMAN. And not otherwise?

Mr. WHITE. That is the intention of the bill. The same way as people who develop aptitude for ordnance work, for topedoes or hydrographic work now, are assigned to duty in these different branches.

The CHAIRMAN. Then, if that is the case, if I understand the situation, we shall lose entirely, or to a large extent, the benefit of that broadened influence that Captain McCormick spoke of yesterday, which would come from having all line officers from time to time gain experience in the engine room. If they are not all going to have engineering experience, then it will not have that effect.

Mr. WHITE. No doubt in the lower grades an officer will have duty in the different departments alternately.

Commodore MELVILLE. Without regard to aptitude?

The CHAIRMAN. Without regard to aptitude; very good. Then, after they have advanced more and their aptitude for certain lines becomes more developed, will they be subject then to any permanent assignment to duties either as deck officers or engineers?

Mr. WHITE. The bill does not contemplate that. It is supposed that an officer will be assigned to the duty which he can best perform after he is crystallized in doing the duty either below as an engineer or on deck as a line officer.

The CHAIRMAN. Do you mean to say that this bill contemplates, after it is in full operation, that the detailing officer may in his judgment, if he sees fit or if the Department sees fit, deprive a certain portion of the officers absolutely and permanently from command?

Mr. WHITE. No, sir; I do not think that.

The CHAIRMAN. Then how do they take advantage of their aptitude? Suppose this man has displayed a great aptitude for engineering. How are you going to utilize that unless you keep him in the engineering room?

Mr. WHITE. He will be assigned, no doubt, to the engine room.

The CHAIRMAN. According to your last answer he would not be assigned there any more than any other officer, because he will have

his same opportunity to take his tour of duty on the deck and his command, notwithstanding he has shown special ability as an engineer officer.

Mr. WHITE. That might very well happen.

The CHAIRMAN. If that is the case, I do not see that this aptitude cuts any figure at all.

Mr. HILBORN. That aptitude which kept him in the engine room would bar him from that experience which would give him command.

The CHAIRMAN. That is the question I asked. Whether, under the operation of this law when the time comes that an officer's signal aptitude is developed and it is shown that a man has a special proficiency in engineering, the Department is required to keep that man permanently employed, for instance, as an engineer. If so, it deprives him of all opportunity to assume command, and would also deprive him of the ability to make himself efficient as a deck officer either in command or the ordinary duties of a deck officer. I am not familiar enough with this bill to know, but it seems to me that is a generic factor in the problem. How do you understand that, Mr. White?

Mr. WHITE. I understand that an officer can be ordered to any duty. Ordinarily the intention is to assign officers duty which they are best fitted to perform. In other words, it transforms the whole corps into a corps of engineers. The curriculum at the Naval Academy is to be changed entirely, so as to make it an engineering training.

The CHAIRMAN. For all the officers?

Mr. WHITE. Yes, sir.

The CHAIRMAN. And no line training at all?

Mr. WHITE. The line training will be given, as a matter of course. All have the same training except that now, instead of having seamanship and things that are past——

Mr. HILBORN. Is seamanship past?

The CHAIRMAN. Oh, yes.

Mr. WHITE. Yes, to a great extent. We do not propel ships by sail in the Navy now.

Mr. HILBORN. Is that all that constitutes seamanship—the handling of sails?

Mr. WHITE. That is most of it.

Mr. HILBORN. Is that taught at Annapolis?

Mr. WHITE. That seamanship means handling of sails?

Mr. HILBORN. Only?

Mr. WHITE. Yes, sir; that is essentially what seamanship means.

The CHAIRMAN. You would not say that seamanship had gone by?

Mr. WHITE. So far as handling ships under sail is concerned; yes, sir.

The CHAIRMAN. I did not say that. Do you think that seamanship is confined to handling ships under sail?

Mr. WHITE. Or small boats. Every ship which carries small boats, of course.

The CHAIRMAN. Would you think it wise for Congress to legislate in regard to the Navy so that all rights and privileges of the individual officer would be absolutely subject to the discretion of the Department in its details?

Mr. WHITE. I think so; yes, sir.

The CHAIRMAN. Do you think that the officers of the Navy would be willing to have us pass a code of laws here under which the promotions and the duties of officers should be determined absolutely by the Department itself?

Mr. WHITE. I think the Department ordinarily can tell better than

anybody else the capabilities of an officer, and that in consequence it should have the right to place an officer in any position which will give the greatest return to the Government.

The CHAIRMAN. Even to the extent of depriving an engineer who should become a line officer and develop special engineering proclivities—depriving him permanently of all opportunity to exercise the authority and rank of command?

Mr. WHITE. I do not think that is contemplated.

The CHAIRMAN. But I am asking you that question; whether you think it would be desirable to put a discretion to that extent in the hands of the Department?

Mr. WHITE. I think, ordinarily, the Department will do what it thinks best for the service.

The CHAIRMAN. That is correct. But do you think it would be just to the officers of the Navy to leave their duties and opportunities absolutely in the hands of the officer of the Department?

Mr. WHITE. I think so; yes, sir.

The CHAIRMAN. What is your opinion in regard to that, Commodore?

Commodore MELVILLE. I do not think that will do, sir.

Mr. SOUTHARD. That is not in this bill.

The CHAIRMAN. It is a question whether or not it is in this bill. It is this I am driving at; this is a mooted question—

Mr. SOUTHARD. I think your question is clear, but it seems to me the bill is also clear in that regard.

The CHAIRMAN. What do you think the bill provides?

Mr. SOUTHARD. I think it provides that each fellow shall take his turn at command.

The CHAIRMAN. That there shall be an alternation?

Mr. SOUTHARD. Yes, sir; that there shall be an alternation.

The CHAIRMAN. If that is the case, what figure does the special development or aptitude cut in this matter?

Mr. SOUTHARD. I do not think it cuts any figure.

The CHAIRMAN. If that is the case, Mr. White, in what way do you think the service is to derive any advantage whatever from the special aptitude of officers in a certain line, unless they are authorized to use them in that line, permanently or more continuously than they do the average officer?

Mr. WHITE. The Department to-day details officers to do duty in connection with ordnance who have shown special aptitude for that duty. You will find if you will look up the records that officers who have been in the Ordnance Bureau and done well there, as a rule, go back. In the Bureau of Steam Engineering the same thing prevails. When the corps are combined and you have 1,000 men to pick from, it is fair to presume that out of that 1,000 men you will find men who have as much aptitude for designing steam engines as you find in 195 men who have had somewhat more experience.

The CHAIRMAN. Yes, but you do not keep those men in the engineering business.

Mr. WHITE. We keep them in the same way you keep men in the ordnance corps. It is not a separate corps, but as a rule they are detailed for that work. Those men are detailed who have had most experience and have shown most aptitude in that kind of work.

The CHAIRMAN. But they are not kept in the ordnance bureau, as I am informed.

Mr. WHITE. They do the general duties on board ship, of course, of the line officers.

Mr. SOUTHARD. Your opinion, I understand, is this: That for shore

duty the details may be made according to the discretion, or largely so, of the Department?

Mr. WHITE. Yes, sir.

Mr. SOUTHARD. That the Department will detail the men who have special aptitude for a particular line of duty, is that your position?

Mr. WHITE. Exactly.

Mr. SOUTHARD. But there comes a time, doesn't there, notwithstanding all this, when the man who has been detailed for a long service on shore goes back to command a ship?

Mr. WHITE. Certainly.

Mr. SOUTHARD. What are his relative qualifications for commanding a ship under those circumstances? Has he been able to develop along the line of the duties of a commander, and would he be a man to command a ship, for instance, in an emergency, his special aptitude having been for shore duty?

Mr. WHITE. In the Navy it is customary to assign an officer to sea and shore duty alternately.

Mr. SOUTHARD. Then the point comes in this way: Here is a man who has a special aptitude, we will say, for ordnance work, a special aptitude for instruction, and he has been for a considerable length of time detailed to that particular work. What kind of a line officer would he be?

Mr. WHITE. It would depend a great deal upon the man himself.

Mr. SOUTHARD. Such a man as Admiral Ramsey has developed, I suppose, along a great many lines and has become very proficient in several specialties. But if you are going to do that generally, give the men shore duty who develop a special aptitude for that work, are they going to be as valuable line officers? They certainly would not be as valuable line officers as if they had been engaged in a work incidental to the command of a ship.

Mr. WHITE. Your supposition, then, is that a man should always be sent to sea and kept in the same position, and that then he naturally would acquire everything in regard to line duties?

Mr. SOUTHARD. I am asking for information in good faith.

Mr. WHITE. I think the fact that he has done other duties and done work connected with other bureaus broadens him, so that probably he is just as good a line officer as he otherwise would be.

Mr. SOUTHARD. Would that lead us to this conclusion, that there is not enough in the duties of a line officer, taking that duty as a specialty, to employ all his time in order to make him as proficient as possible?

Mr. WHITE. There are a great many different divisions to the duties of a line officer.

Mr. SOUTHARD. A very broad field?

Mr. WHITE. Yes, sir. Most people can in a short time acquire knowledge enough to do the duties of a line officer. Some do them well and some do them indifferently.

Mr. SOUTHARD. And some poorly, I suppose?

Mr. WHITE. And some poorly. It depends altogether upon the ability of the man.

Mr. SOUTHARD. I take it, of course, that what we want to do in the Navy is to develop a set of men who are first-class commanders, the best possible to be obtained in the country. We want to do that same thing in the line of engineering. Now, how can this best be accomplished? By alternating these men, giving them three or four years

on shore and then three or four years on the water, or can it be done by giving the men who develop these aptitudes—for instance, the aptitude to command and manage a ship, the aptitude to build a ship? Can we develop the best men by employing them constantly and continuously along the line for which they seem to be especially adapted? That is the question I wanted to get at.

Mr. WHITE. Well, the object of this bill is to broaden a man; that is to say, doing duty below in the engine rooms and above on deck, he sees the disadvantages that naturally occur in both positions. In that way I think his sphere of usefulness is increased.

The CHAIRMAN. Don't you think there is such a thing as broadening a man until he has spread out too thin?

Mr. WHITE. Possibly.

Mr. SOUTHARD. As I understand it, there are men who employ all their time along the line of electrical engineering, and become experts in that line?

Mr. WHITE. Yes, sir.

Mr. SOUTHARD. And there are others who become experts in steam engineering. A man may become by constant study an adept in torpedo work also, I understand?

Mr. WHITE. Yes, sir.

Mr. SOUTHARD. The question which presents itself to me is this, and one which continually runs in my mind: Whether this field, taking it all in, is not so broad as in the language of the chairman here, to spread out a man over too much ground and make him too thin? Would not the tendency be to give him a superficial knowledge of all these things, and not a profound, practical knowledge of any one?

Mr. WHITE. I do not think so.

Mr. DAYTON. I would like to ask if this question of ability to command, either in the engine room or on board ship, is not largely a question not dependent alone upon experience and education, but upon the inherent talent and ability and temperament of the man himself?

Mr. WHITE. I think so, sir.

Mr. DAYTON. Let me ask you another question in that connection. Are the duties combined of a line officer and an engineer officer any greater or more profound or far-reaching than those of any of the professions, of medicine or law or very many other of the vocations of life, where a man to be anything at all has to learn a good many branches?

Mr. WHITE. No, sir; I think not. I think you will find in medicine, for example, that the general practitioner often branches out into a specialist. As, for instance, a good ear doctor will probably have been before that a general practitioner. The duties of a line and engineer officer are certainly the same, to a great extent. His military training is for the purpose of teaching him to command men, and that is the same whether it is done on deck or below in the engine room.

Mr. DAYTON. It is a question of ability largely?

Mr. WHITE. Yes, sir.

The CHAIRMAN. Right there—because that brings a very pertinent matter forward—I would like to ask whether you are not in this bill abandoning that very principle of the specialist, to which you have just referred.

Mr. WHITE. I think not.

The CHAIRMAN. Are you not establishing a system under which, if it were carried into private life, a man would put out his sign as "John Brown, Lawyer, Physician, Dentist," and so forth and so on, and he

would justify himself by saying: "I have had to study all these things to a great extent, and I am going to practice them all." Do you not abandon the specialist system in this bill?

Mr. WHITE. No, sir; I do not. The naval officer's profession is a certain thing, as I said before. He may be placed on the deck above or in the engine room below——

The CHAIRMAN. But only temporarily.

Mr. WHITE. Temporarily, if you choose. Wherever he is, in either of those positions, his principal duty is the same on deck or below in the engine room—he commands men.

The CHAIRMAN. A man in a mine, for that matter, commands men.

Mr. WHITE. Not in a military sense.

Mr. DAYTON. Don't you believe that confining a man to one single branch of a single business in connection with the duties of a sailor or seaman is just as bad and has the same bad effect as it has upon a lawyer who devotes himself to a single branch of the profession, such as criminal law or chancery law, and who does not know anything about the general principles that govern the whole system?

Mr. WHITE. Yes, sir; I think so.

The CHAIRMAN. After this system is put into operation and has been fairly at work, we will then have the cadet graduated from Annapolis with some additional instruction in engineering over what they get there now?

He goes into the service and he takes up in good faith his duties and alternates in assignments, first to the deck, and then he is sent into the engine room for a time, and then perhaps is detailed to ordnance work, and then perhaps to the Hydrographic Office, and so forth, and so on; takes his regular tour of duties. He is, we will say, an ordinary, average bright young man. Under this system, if it is carried out as you explain it, with the absolute requirement of an alternation, will you tell me whether that young man is ever likely, or is it likely that you will ever get a man who can do for the Navy what Chief Engineer Melville has done for it, design and put in due construction the most powerful machinery in the world, competing with men in Europe and this country who have devoted their lives in a certain profession. Do you believe that possible?

Mr. WHITE. Not only possible, but I believe it would tend to produce better men under this new system.

The CHAIRMAN. You believe that better engineers would be developed?

Mr. WHITE. I do.

The CHAIRMAN. Then your idea is that a man can acquire probably greater proficiency and skill if he only attends to his profession a third of the time that he can if he devotes his entire time to it?

Mr. WHITE. No, sir; I do not.

The CHAIRMAN. You say that you believe this system will produce better men?

Mr. WHITE. I do.

The CHAIRMAN. More competent designing and constructing engineers?

Mr. WHITE. I believe we would get better men than we do to-day.

The CHAIRMAN. What do you mean by getting them?

Mr. WHITE. I mean this, that under this bill we would be able to choose from a thousand men to design machinery, whereas to-day we must choose from 195.

The CHAIRMAN. Very well. You have the 1,000 men to choose from,

but the preparation of those men under this bill and their experience must be subdivided into at least a third of the time and experience that men like Commodore Melville have had, because a man certainly can not be designing engines while he is devoting himself to the duties of a navigator and watch officer so thoroughly, or it seems to me on the average so successfully, as the man who has devoted himself to one great line of research and makes it his pride and his profession.

Now, if your theory is correct, a man who devotes only an occasional portion of his time to engineering is more likely to be successful than a man who has made it the business of his life. Do you think that is in accordance with the general experience of human life?

Mr. WHITE. I do not make that statement.

The CHAIRMAN. If I have not stated this correctly, I want you to state your views.

Mr. WHITE. I said we would probably get better men under this new system for designing machinery than we do at the present time.

The CHAIRMAN. Do you think they would have had more experience?

Mr. WHITE. Not necessarily. The best designer is not necessarily the man who has had the most experience.

The CHAIRMAN. Is his success in proportion to his inexperience?

Mr. WHITE. No; but one man may have had a great deal of experience and not be as good a man as another who has not had so much experience.

I think that experience as contemplated under this act is in one, not in two lines. It is just as a lawyer who broadens along all the lines of law, and not particularly on one branch, unless he happens to have special aptitude in that direction.

The CHAIRMAN. If you had an important case pending in the court, would you not employ a lawyer who had given special attention to that line of litigation?

Mr. WHITE. I might, or I might employ a man who was a known good practitioner.

The CHAIRMAN. Don't you think the average man in such a case would employ a man who had special aptitude and had had special experience along that certain line?

Mr. SOUTHARD. If you had some special case to handle involving a patent right, you would go to a man who had made patent rights a specialty?

Mr. WHITE. Yes, sir.

Mr. SOUTHARD. If you had a case involving a question specially applicable to railroads, you would go to a man who had made railroad law a business and was right up to the top on all matters pertaining to railroads, would you not?

Mr. WHITE. If you will let me interrupt you there, I would say if I had a case of that kind I would in preference go to a man who had been a general practitioner and who had branched out into the specialty rather than to the man who had practiced the specialty altogether.

Mr. SOUTHARD. Well, almost every lawyer has been a general lawyer before he gets into any special branch.

Mr. DAYTON. Pardon me there. Can a man be a specialist until he has grounded in him the principles of the law involving all classes of cases?

Mr. SOUTHARD. I am perfectly willing to say no, or yes, but he is apt to get the general principles.

Mr. DAYTON. As a matter of choice he is apt to devote himself to a certain branch, but the principles govern all branches as well as one.

Mr. SOUTHARD. But I have looked on engineering in this as a profession, the work of which is of sufficient scope to employ the faculties of any man to the fullest extent.

Now, if the purpose of the Government is to develop men along special lines to the fullest extent possible, is it not advisable and desirable that certain men should employ their talents continuously along those special lines?

Mr. WHITE. It is stated in the report, or in the letter, rather, accompanying this bill, that the naval officer of to-day must be an engineer whether he wants to be or not.

Mr. SOUTHARD. I think, if it is true——

Mr. WHITE. Therefore to-day a naval officer is an engineer whether he is a line man or whether he is a man who has duty in connection with engineering only.

Mr. SOUTHARD. And that is conceded to start with—that he is something of an engineer. I concede that every line officer will be an engineer, but the average line officer will not be a first-class engineer.

Mr. WHITE. He would be a fairly good engineer.

Mr. SOUTHARD. Well, we will say he will be a fairly good engineer. Now, it is desirable in the Navy that we should have the very best possible engineers?

Mr. WHITE. It is desirable.

Mr. SOUTHARD. Can we obtain the very best possible men in that profession without giving them every possibility and every advantage, and allowing them to pursue it constantly during their lives?

Mr. WHITE. I think this bill contemplates that.

Mr. SOUTHARD. Then, if it does, will these men be assigned to positions which involve navigation and other branches not specially exercising their engineering faculties?

Mr. WHITE. Navigation is a comparatively easy subject. It requires but little time to acquire it.

Mr. SOUTHARD. It does not require much experience in order to properly navigate a ship?

Mr. WHITE. To lay down a course and follow a course does not require any particular——

Mr. SOUTHARD. I mean to be a good, expert navigating officer? Does it require time?

Mr. WHITE. Yes, it does.

Mr. SOUTHARD. That is only one of the duties——

The CHAIRMAN. Do you mean simply the calculations, or the handling and sailing of a vessel?

Mr. SOUTHARD. I mean this; that I understand in order to develop a man into a good navigating officer requires time and practice and experience.

The CHAIRMAN. You mean something more than the mere calculation of a course?

Mr. SOUTHARD. Yes.

The CHAIRMAN. The management of the ship at sea?

Mr. SOUTHARD. Yes, the knowledge of the country, the knowledge of shores——

Mr. WHITE. You do not mean a pilot, do you?

The CHAIRMAN. He means an officer who takes all the responsibilities, that knows about shoals and tempests and quicksands and everything of that kind, as I understand it—getting the ship across the ocean properly.

Mr. WHITE. A man might study one harbor all his life, and however

much he might know about that harbor, he would not be an expert navigating officer. He would be an expert navigating officer for that port, perhaps——

Mr. SOUTHARD. I suppose a good navigating officer would be more or less of a pilot?

Mr. WHITE. Yes, sir.

The CHAIRMAN. What Mr. Southard undoubtedly means would be covered by a term antedating you, probably—the term master mariner. That meant all the duties of caring for the ship at sea.

Mr. SOUTHARD. I suppose a man must be something of a mariner—he must know the sea.

Mr. WHITE. He must have the sea habit.

Mr. SOUTHARD. And I suppose that is a subject that requires a good deal of study?

Mr. WHITE. I do not think so. I think a man can acquire all the information in regard to general navigation in a very short time, and that is what is taught to the present line officers.

The CHAIRMAN. Do you think there is anything which has been acquired in the way of experience, for instance by a man like Captain Randall, who commands the *St. Louis*, in handling a great ship and caring for her on the sea, in storm and in fog, that every line officer in the Navy ought not to have?

Mr. WHITE. In the way of experience?

The CHAIRMAN. I mean to take any one of those captains—Captain Watson or Captain Randall. Has he any knowledge that enables him to carry a great ship across the ocean to and fro in all weather, and in all seasons, that the commander of one of our great battle ships or cruisers ought not to have?

Mr. WHITE. I think it very desirable he should have——

The CHAIRMAN. Don't you think it is essential?

Mr. WHITE. Yes, I think it is essential.

The CHAIRMAN. And yet you say you think that sort of skill can be acquired very easily. Now, here is a man who has been on the sea probably forty years, adding every year to his skill and his experience, and I have no question that he will tell you to-day that he is learning all the time, and that there is lots of information he ought yet to acquire, and that is all essential for a line officer, and yet you think all that could be acquired very easily by a line officer, if I understand you correctly, Mr. White?

Mr. WHITE. Of course a great deal comes by experience. I am not prepared to admit that the man who has had the greatest experience is necessarily the best man——

The CHAIRMAN. To command a ship at sea?

Mr. WHITE. Yes. I think it depends a great deal upon the ability of the man.

The CHAIRMAN. I understand that. I will dismiss my question on that point by simply stating that I understand that to be one of the prime difficulties of this situation—that a great many of the young men of this day have satisfied themselves that science and knowledge have so far advanced that they can be made, in an academic way, to practically take the place of experience. I think that is one of the generic troubles about this bill.

Mr. SOUTHARD. I understand your position is that you have a larger number of men to choose from, and, therefore, will be likely to get more men out of that larger number who will readily take on this knowledge and experience which makes men expert in any particular line or pro-

fession. If that is so, why would it not be better to throw down the bars and take the best men you can get from the whole United States without reference to their place of education?

Mr. WHITE. A naval officer's business is acquired at the Naval Academy. He is given a military training. The ordinary youth in civil life is not given that training. It is a very important thing that at the beginning of his career he should be taught the things that go to make up a military officer.

Mr. SOUTHARD. Well, is that the principal part, or is not that readily acquired?

Mr. WHITE. I think that requires time, like everything else.

Mr. SOUTHARD. Yes, but so far as the expert is concerned, so far as the man who is possessed of special aptitude is concerned, is not that a minor thing, and can not those things be taken off?

Mr. WHITE. No, sir; I think that is a very important thing. Very few men can command men well who have not had experience.

Mr. FOSS. I would like to ask you a question if Mr. Southard is through. The question is this: Is it true or not that this bill aims to increase the efficiency of the average man?

Mr. WHITE. That is the object of the bill.

Mr. FOSS. Is there any provision in the bill which prevents a man who displays the special aptitude in engineering, for instance, from being assigned permanently to engineer duty?

Mr. WHITE. He can be assigned to engineering by detail. That is left in the hands of the Department.

Mr. FOSS. Then, I understand, that being true, that it is left to the discretion of the Department; that the law of specialties can operate in his particular case?

Mr. WHITE. Yes, sir.

Mr. DAYTON. Just one more question. The question was asked you a while ago—and Commodore Melville will pardon me because that question related to him personally, and I wanted to bring it out one step further—if you thought an engineer could ever reach the rank and ability of Commodore Melville if he was made a line officer. I want to ask you if it is not a fact conspicuous in history that Commodore Melville on one occasion developed the power of acting as a commanding officer—

Mr. HILBORN. And a navigator.

Mr. DAYTON. And navigator?

Mr. WHITE. He did.

Mr. DAYTON (continuing). In a degree equal to any officer in the service?

Mr. HILBORN. Superior.

Mr. DAYTON. I will say superior.

Mr. WHITE. He did.

Mr. DAYTON. And that without the experience of a line officer?

Mr. WHITE. Yes, sir.

Mr. SOUTHARD. We will all admit that, but whether or not—what would he have been?

Mr. DAYTON. I asked this: Whether it is not true that, after all, the subject of command depends not so much on experience as on the inherent ability of a man to meet the emergencies that may spring up.

Mr. WHITE. Yes; and I would say further that if he had not had the habit of commanding men it is very unlikely that his boat would have reached shore.

Mr. FOSS. This bill provides, as I understand it, for an examination

on the part of the engineers before they can be assigned to line duty?

Mr. WHITE. That is correct.

Mr. FOSS. But it does not provide for an examination on the part of the line officers in engineering, does it?

Mr. WHITE. It does not.

Mr. FOSS. Will you explain why that is so?

Mr. WHITE. That was drawn for this reason: At the Naval Academy all graduates, whether in the line or in the engineer corps, are given a certain amount of engineering training, and the amount that has heretofore been given to line officers has been supposed to be sufficient to fit them for the duties in the engine room by simply giving them practical experience.

Mr. SOUTHARD. And that does not require the highest grade; that knowledge that they get there is sufficient to perform all duties in the engine room?

Mr. WHITE. On some occasions they have been assigned to duty in the engine room.

Mr. HILBORN. Would there be any objection to an amendment requiring the line officer to be examined as to his efficiency as an engineer—because that has become a very burning question now?

Mr. WHITE. I do not think there would be.

Mr. HILBORN. Then I understand you would consent that the bill be so amended that the line officer be examined as to his qualifications as an engineer officer?

Mr. WHITE. So far as I am personally concerned I would consent to it.

Mr. SOUTHARD. But you have not any power to consent for anybody else?

Mr. WHITE. My consent would be of but little real value.

Commodore MELVILLE. From my standpoint I would say that I would not be in favor of any amendment to this bill. I would say, make or break as it is. I would not have any amendments if I could help it.

The CHAIRMAN. I would like to go back and ask Commodore Melville a few questions.

Commodore, do you think that esprit de corps is important in its effect in securing efficiency and organization of men?

Commodore MELVILLE. Yes, sir; I do.

The CHAIRMAN. Do you think there has been any advantage to the naval service generally in the esprit de corps of the engineer department service?

Commodore MELVILLE. I do, sir.

The CHAIRMAN. In their devotion to their special corps?

Commodore MELVILLE. I do. I believe it is their devotion to their corps that has made the engineer corps stand up in all the difficulties we have had.

The CHAIRMAN. Do you believe that to-day the engineer corps is more or less efficient, and that the benefits that it has been able to render the service and the Government are greater or less on account of the failure of the reorganization plan that was submitted in the Forty-ninth Congress, and which abolished the engineer bureau, relegated it to a mere subordinate division of the construction department?

Commodore MELVILLE. I think that would have been the worst calamity that could have come to the Government.

The CHAIRMAN. Won't you state why you think so?

But before you do that permit me to state to the committee—because

they may not be familiar with the history of this thing—that in the Forty-ninth Congress a bill was submitted to this committee, prepared at the Navy Department in the early part of Secretary Whitney's administration, which was predicated upon the allegation that the organization of the Navy Department into bureaus and the relations of the bureaus was such as to preclude the most successful development of the new Navy. This bill provided for the reorganization of the bureaus of the Department. The main feature of it was a simplification, as was alleged. Instead of the bureaus—six or eight of them now, I do not remember how many, with which you are familiar—as at present organized, it was proposed to organize the Department into three different bureaus—personnel, which took in everything relating to the organization, rank, pay, and detail of the officers and men of the service—

Mr. HILBORN. And navigation.

The CHAIRMAN. Navigation with a broadened scope. "Materiel," and under that bureau it was provided that there should be two divisions. It was a bureau of materiel, and it had two divisions; one was construction, and one was steam engineering. The intention suggested was that some man of broad naval architectural experience, either in the service or out of it, should be put at the head of it, and under him would be subdivisions of construction and steam engineering.

Mr. HILBORN. Would not ordnance come in there?

The CHAIRMAN. Yes, ordnance was a part of construction. The ships and engines and ordnance. I think ordnance was under construction, and then the steam engineering was to be another division in this bureau. Then there was a bureau of supplies and accounts. I think it was a bureau of accounts, or finance.

Commodore MELVILLE. Finance was the new scheme.

The CHAIRMAN. That bureau was simply to look after the pay and purchases and bookkeeping. Now, when that bill came before Congress it was very strongly urged by the Department, and great influence was brought to bear upon the Congress and upon this committee in its favor. It chanced that I was one of those that opposed it very strongly, and General Goff, of West Virginia, who had been Secretary of the Navy for a short time, and also a member of this committee (a junior member of the committee) united with me in opposing it and we finally secured its defeat, or rather prevented its passage by resorting to the course open to us in those days of indulging in extended oratory, the only weapon we had. We debated it until it died for inability to get a vote. My principal objection—and Commodore Melville's recollection I think will coincide with mine—was this, that the very fact that our modern Navy was growing more and more dependent upon the skill of our engineers, that the engineering feature of the Navy was becoming so important, showed that it would be the reverse of progress and advancement to depreciate the authority or prestige of that corps.

Commodore MELVILLE. I remember very well, sir, your reference to us at that time.

The CHAIRMAN. And relegating it from a position of a bureau of the Department, which gave it the privilege of being consulted in all the great problems that arose in the Department, and putting it in the background, taking from that corps all the prestige and influence of a bureau and making it a mere division was retrogression. I hold that the Engineer Corps as a matter of fact was more important, instead of less important, than it had been, and that it would be a great mistake

to adopt that measure. That was defeated, as I say, by our preventing their getting a vote on it.

I have here the record of the Forty-ninth Congress, page 413, volume 4. I find the first bill was as I stated, and nothing was done with that for a time, and then they revised it and provided for five bureaus. They restored the Bureau of Ordnance and the Bureau of Medicine and Surgery. At that time I said:

I have neither heard nor read any explanation of the restoration of the autonomy of the Bureau of Ordnance and of the Bureau of Medicine and Surgery, although I believe that both bureaus should be preserved. Nor have I had any explanation of the fact that while in this bill the Bureau of Ordnance and the Bureau of Medicine and Surgery are restored, the Bureau of Steam Engineering is abolished.

Here, for instance, are two great mechanical departments of the Navy—the Bureau of Ordnance, that deals with the design and manufacture of guns and gun carriages and gun equipments. This bill says that department is of sufficient importance to be maintained as a bureau, although every argument advanced by the Secretary of the Navy applied as strongly to the merging and abolition of that Bureau as to either of the others. But at the same time that the framers of this bill restored the autonomy and the dignity of the Bureau of Ordnance and the Bureau of Medicine and Surgery they abolished that other great mechanical bureau of the Department, the engineer corps, upon which we are depending more and more as the years go by, and toward which responsibility has been more and more centering for the past quarter of a century. I say I do not know why these distinctions have been made. With a brief experience in the naval service and such investigation as I have been able to make since this subject has been under discussion, I can find no valid reason for destroying the spirit of emulation or degrading and breaking down the rank, position, and influence of a great department of the naval service which every man who reads and thinks must know is becoming more and more prominent in the construction and maintenance of a naval establishment.

I feel just the same about that matter now as I did then. I think it would have been a great mistake. I think it would have exercised a very depressing effect on the engineer corps to have eliminated their bureau, and I want to ask Commodore Melville if he does not apprehend that the wiping out of the autonomy of the engineer corps by this bill may not have, to some extent, a similar effect in dampening the esprit de corps that now exists in the engineering branch of the service.

Commodore MELVILLE. I am free to say that is the only question that has ever come into my mind on the subject as a possible objection.

The CHAIRMAN. I have thought a good deal about it and it seems to me, the more I think of it, that no harm could come to the service, and that great good might come to the service, by the maintenance of this great corps in its integrity, and doing whatever might be done for it to increase their pride in their own special line instead of diffusing it. Now, do you think it is probable, taking all the circumstances, that with the system as we have outlined it here this morning, that taking the whole number of men that we must have in the engine rooms at one time or another, that this sporadic service, this interrupted devotion to a special line, is likely to insure as great proficiency as that which we can have—I am speaking now of a contented and satisfied corps of engineers—if we could bring that about?

Commodore MELVILLE. I do not think it is possible for any all-around man to be as good as any special man to begin with. I do not believe he can; I do not believe any all-around man can be as good as a special man; but I have looked at this scheme from the beginning. I think that it will bring us much harmony; that we will eliminate many of the difficulties that have existed, and I have understood from the beginning that we were still to maintain an engineer bureau.

The CHAIRMAN. It would disappear. They may have a nominal

bureau like the Bureau of Ordnance. It will be headed by a man, if I understand it rightly, who may have just come back from a seven years' tour in an entirely distinct service.

Commodore MELVILLE. That was talked over in our board meetings. Without giving away any of the secrets at all, I can state that that was a matter which we thoroughly discussed—the autonomy of the Bureau of Steam Engineering—and some of our friends were generous enough to say that there should always be an engineer at the head of that Bureau. Some of them said, for instance, “Our friend Melville should be at the head of that Bureau until he is retired.”

The CHAIRMAN. That is all right. But after a few of you gentlemen have passed away, if my friend White will not take offense at this, we will really not have any engineers.

Mr. WHITE. We will have nothing but engineers.

The CHAIRMAN. All hydrographers and ordnance officers and line officers.

Mr. WHITE. Line officers in name, but engineers in fact.

The CHAIRMAN. No; what I mean is there will be no distinct engineers.

Mr. WHITE. Not in name.

The CHAIRMAN. I don't care about the name. There will be no more men who will devote their lives and pride themselves upon their life work in engineering. There will be none who will be known as engineers the world over.

Don't you believe that a man who has devoted a great deal of his life to a certain line of development until he has attained a great degree of success in it is more likely to attain signal success in that line than he would be if he diffused his experience and efforts over quite a number?

Commodore MELVILLE. Yes, sir; without a question of a doubt.

The CHAIRMAN. Now, coming down to the practical operation of this thing, have not you been influenced very largely in your acquiescence in this matter by the belief that it is extremely important to get rid of the friction that has existed and bring about a harmonious feeling between the different branches of the service?

Commodore MELVILLE. Yes, to a considerable extent.

The CHAIRMAN. Now, if it could have been possible—of course, this is hypothetical—to maintain what I call the autonomy of the engineering bureau, to have a distinct corps of engineers right through, in the meantime eliminating successfully and satisfactorily to that corps all of these objectionable conditions so that the engineer corps would have been content and satisfied with their rank and emoluments and authority and dignity, don't you believe under that condition we would probably develop better results than we can under this abolition of the autonomy of both corps and the alternation of all the officers?

Commodore MELVILLE. I will say, yes, sir, to your question; but I would like to make this little addition; that when I went into the board meeting, I went there not with the idea of this matter coming about the way it did. I went as the representative of the engineer corps, and asked for an increase in the engineers from 196 to 300 men properly distributed through all the grades, from the captains down, and that we be given the rank and title of our grade. That was what I went into court for and what I expected to get. I was promptly voted down by a vote of seven to four—seven line officers and four engineer officers. Then all sorts of motions were in order. This was not a

motion of mine, to make this combination. It was not a motion of the Assistant Secretary, but it was a motion of a line officer of the Navy. It was seconded also by a very prominent line officer, who has one of the big commands to-day. When we had thrashed over the matter for a month or six weeks, having almost daily sessions, I came to the conclusion that the final status we came to was the best solution of the problem under the conditions.

The CHAIRMAN. That it was the best compromise possible?

Commodore MELVILLE. That it was the best possible to make. You can understand what I say the position was and why I am here now after having come before your committee for so many years asking for rank, title, and numbers.

The CHAIRMAN. I understand your position exactly, I think, Commodore. Now, if this board, for instance—I do not mean to intimate that the older officers would be unmindful of the younger men—but if the board had consisted of the older men of the Navy, do you think there would have been as much readiness to make this evolution as there was under the circumstances? Don't you think that the natural and praiseworthy ambition of the younger men to go forward more rapidly had a great deal to do in bringing this about?

Commodore MELVILLE. Of course, the thing they have been harping on largely has been stagnation in promotion, and that had a good deal to do with it; but I must admit that two of the senior captains were among the strongest in favor of this plan. We had on the board four captains of the line, and two of the senior captains, or, maybe, one senior and one intermediate captain, were the strongest in their arguments for this bill. I do not like to call names——

The CHAIRMAN. That is not necessary at all. Do you not have, Commodore, a sort of a genuine regret at losing the name "engineer?"

Commodore MELVILLE. If you had only stood by me as you should have done, you would not now have all this trouble. You would not have had this load on your shoulders. But we will never forget you, Captain Boutelle, for the good you did for us. You put the spikes in the guns when they were going to combine the three bureaus—make the Engineer Bureau only a subdivision under the Bureau of Material. If you never did another thing you could go home and go to sleep, feeling that you had done your duty. There is not an engineer in the service who does not thank you every day for what you then did in that matter.

Mr. DAYTON. Commodore, is there any better scheme that has ever been presented that you believe is more practicable than this one? Now, I mean is there any practicable scheme that has been suggested that does not meet with greater objections than this one?

Commodore MELVILLE. This is the only scheme that has ever come before this committee, that I know of, that has had the universal backing of both line and engineer officers of the Navy.

Mr. DAYTON. Is there any question as to this scheme being far in advance and more advisable than the leaving of the matter in its present condition as it has been, as you say, for ten years?

Commodore MELVILLE. Yes, sir; for forty years. I have been fighting this fight for thirty-seven years myself.

Mr. MEYER. Commodore, suppose this committee did not deem it altogether safe to make this radical change, and should, in their desire to meet the wishes of the service in all of its branches, propose a scheme such as you have been advocating, something in this line: Suppose they were to suggest a plan to give the engineer force, say 200 officers and

100 warrant machinists, give the corps its titles—the titles they have been contending for—distributing the grades according to your best judgment. Would that satisfy both elements of the Navy, do you think?

Commodore MELVILLE. No, sir; it would not.

Mr. DAYTON. It would satisfy the engineers, but not the line officers?

Commodore MELVILLE. No, sir; it would not satisfy the engineers either.

Mr. MEYER. It would not satisfy them, perhaps, by reason of an inadequate number of officers?

Commodore MELVILLE. That is it exactly.

Mr. MEYER. That is to say, in your judgment, it requires more than 200 officers and 100 warrant machinists to meet the requirements of the service?

Commodore MELVILLE. Yes, sir.

Mr. MEYER. When I said 200 officers, of course I did not wish to fix an arbitrary number, but simply gave that as an idea. Whether it is 200 or 300 it would not affect the principle.

Mr. Butler desires me to ask further: In the event that they should propose to give the engineer corps the number of officers which you asked for—307——

Commodore MELVILLE. Three hundred in round numbers.

Mr. MEYER (continuing). And maintain the corps in its integrity, giving, as I said before, the rank and titles you have been urging, and which you claim are necessary for the efficiency of the corps to give it its proper dignity, how would that do?

Commodore MELVILLE. That might satisfy the engineers, but that would not satisfy the line officers. That is where we have been stumbling. That is what I have been contending for for ten years, if you will remember.

Mr. MEYER. As I understand the contention of the line, after all, the opposition to it was with reference to the titles, but the line has so thoroughly and effectually conceded that in its report on this bill that I should imagine there would be no trouble at all.

Commodore MELVILLE. You can understand as a military man yourself that every individual who holds a commission and is commissioned in a military organization, should not only have a commission, but a title.

Mr. MEYER. I concede that.

Commodore MELVILLE. That has been the contention of the engineer corps all along.

Mr. MEYER. There is nothing in my question which could create a doubt as to the purpose to give title or rank.

Commodore MELVILLE. I can only go as far back as the Wilson bill to make myself clear on that. It was something on the line of that bill that we were working at the time. But we could come to no understanding at all, and you gentlemen of both committees assured the line officers and the engineer officers at that time that if we would stop this quarreling and settle our difficulties, that if we would come to some agreement, if we would prepare a bill and agree upon it, that you would then listen to us.

Mr. SOUTHARD. You spoke of rank and title. I suppose you want that for the power it confers, and not for the mere name?

Commodore MELVILLE. You are right; a man in a military organization without a commission is in this position: The commanding officer can put him in irons, can put him on bread and water, can treat

him in the harshest kind of manner. A man with a commission but without a title is always apologizing—"I am Mr. Melville, with simply a trade-dollar rank of commodore." I must apologize to everybody for being on the ship at all.

The CHAIRMAN. I want to ask you right there what distinction was made between granting the titles——

Commodore MELVILLE. The relative rank?

The CHAIRMAN. Granting titles by this bill, the personnel bill, and retaining the organizations as they are now, and granting the titles just the same.

Commodore MELVILLE. It was the idea of a line officer. We did not "gee" exactly. There was no argument against that, absolutely none, in our board meetings.

The CHAIRMAN. In other words, if a cadet after graduation and assignment in the service as an ensign, or whatever it may be, is subject to assignment, he is a line officer. Now, he is subject to assignment to run the engines, to take charge of the engines, and an older line officer is liable to be assigned as chief engineer, and they retain their titles—they retain the line titles and the line rank while they are running the engines, if it may be two or three years. Why may they not still be given the line titles if they stay there permanently? I can not quite see the distinction that was made there. Of course the rank is entirely a relative thing. That is, the question of rank is simply a question of your relations with somebody else. If you are on the top of Pike's Peak all alone it doesn't make any difference what you are called. It is something that establishes your relations to your fellow-man. Now, if a man is a chief engineer under this bill on board ship what would his title be?

Commodore MELVILLE. Lieutenant-commander.

The CHAIRMAN. Then he can serve on board after three years, and during the whole of that time can hold the actual rank and title of a lieutenant-commander. Why could he not hold it if he was there for life or good behavior? In other words, will not the hourly and daily experiences of collision and friction as regards rank occur during those three years as much as through any other three years, or through life?

To amplify on that point, as I have understood the line-officers' contention, it has always been—and I have had some sympathy with it—that his duties on board a man-of-war are such that the delegated authority that runs down through what they call the corps of command must be maintained within the corps—that is, the power to direct the movements of the ship.

Commodore MELVILLE. Command.

The CHAIRMAN. To command the whole ship.

Commodore MELVILLE. That is right.

The CHAIRMAN. And therefore, by giving the engineer—for instance, Chief Engineer Melville goes to sea on the Iowa, and he has the rank of captain. Now, there is a commander who is the executive officer of the ship; it would not do, they claim, to have that condition of things, with his real rank, because he might come out of the engine room some day and put the commander under arrest. Of course, that is an exaggerated statement——

Commodore MELVILLE. That is the argument.

The CHAIRMAN. I can see something in it, but it seems to me that that something is just as much in this bill for the time being as it would be permanently.

Mr. SOUTHARD. How?

The CHAIRMAN. Suppose this change is made and this same condition occurs, and he becomes a line officer and is detailed for a tour of service in the engine room; would not the same difficulties arise during his three years' service on that ship?

Mr. SOUTHARD. The contention here has been that under the operation of this bill that can not arise.

Commodore MELVILLE. I would not be sent to sea. That is the reason.

The CHAIRMAN. Exactly. You have to remedy it outside this bill?

Commodore MELVILLE. No, sir. It says an officer of a certain rank shall not go to sea.

The CHAIRMAN. Then take a lower grade—a man on a gunboat. This question has got to come up. At the same time there is going to be a man at work as an engineer temporarily there must be a line officer on board of every ship that will be inferior in rank to some engineer. Why is not that question likely to arise all the time, and if under this bill they could live in harmony, why could not they live permanently so? Is it not true that somebody has surrendered something on both sides; is it not true that the line officers have surrendered that point in view of certain other conditions in the bill that were satisfactory to them?

Mr. SOUTHARD. I will tell you what you must do. You would have to stop—certain engineers would have to stop engineering or they could not be promoted to the highest grade.

Mr. WHITE. They are all to go up regularly?

Mr. SOUTHARD. If you are to have a rear-admiral you could not have a rear-admiral under existing conditions down in the engine room.

Mr. WHITE. There never will be, because all the older engineer officers who might reach that grade—as for instance, Commodore Melville—will never get any higher under—

Mr. SOUTHARD. Under this bill?

Mr. WHITE. Under the amalgamation, because he stands on the captain's list in such a place that he will never reach the top of the list before reaching the retiring age.

Commodore MELVILLE. I lose numbers, and pay, and rank by this. I was willing to sacrifice that for the benefit of the service.

The CHAIRMAN. I can not see myself how under this bill the friction of rank can be done away with as they claim. One man is in the engine room for three years. Why can not they do it now—

Commodore MELVILLE. They will feel they are all of the same kidney or same stripe, and they should not quarrel as they are doing now.

The CHAIRMAN. Is it not possible for us to do something that will make them feel now that they are of the same kidney?

Mr. BUTLER. The question has been talked about here with officers, and I understood them to say that there might be a personal difference between individuals, but that it would not spread to the two corps; that they would not have the backing, you understand, of two separate corps; that there might be a heart burning between this individual and that individual on board ship, but that the two men would not be backed up by their two corps. I understood that that effect might occur—I may not understand it correctly—but would not extend to the two corps.

Commodore MELVILLE. I think Judge Butler is right.

Mr. BUTLER. That they would not have the backing of the two organizations in fighting it out; that they would have to settle their differences as individuals.

The CHAIRMAN. As I said, I had more friction with a paymaster than with any one else. It was a question between the regulars and the volunteers. I had the impression when I left the service that the doctors and paymasters were very much more frequently in collision with the line officers than the engineers.

Commodore MELVILLE. They were. It is only a little while ago that a doctor would coalesce and go with the engineer corps.

The CHAIRMAN. If a ship is ordered for a three years' cruise, for instance, in the Pacific Ocean, and her officers are detailed under this bill, the men in the engine room having actual rank, beginning with lieutenant-commander and running down, if they could get along without any disastrous friction, I do not see why they might not get along after the three years had passed, for another year, or for another year. In fact, I do not see why the three years' service would not be a sample of what the permanent service would be. So it seems to me that the line officers have practically eliminated that matter except on the sentimental basis that you refer to, saying these fellows are all of our kidney; it seems to me he ought to be able to cultivate a naval esprit de corps that would make him as proud of his engineer comrade as he is proud of his line comrade.

Commodore MELVILLE. I think this bill will bring that about.

The CHAIRMAN. If we could bring that about, and at the same time develop the officers along the lines where their talents lay, and get the best out of all of them, it seems to me we would be doing a great thing.

Commodore MELVILLE. It seems to me so.

(The Chairman here read from the Congressional Record, Forty-ninth Congress, volume 84, what he had said in that Congress in regard to the proposed changing of the Bureau of Steam Engineering and making it a subdivision, which has already been printed in this day's hearing.)

Commodore MELVILLE. Looking up the British navy, and looking at the *Powerful* and the *Terrible*, I find that they have more than 300 men alone in the engineer department. Each of those ships has about 600 men all told, and 300 men in the engineer forces. They have about 8 engineers and 12 artificers. So the argument you made eleven years ago is being followed out and carried out.

Mr. MEYER. There is one point I would like to bring out. You have answered it, but I would like to be thoroughly clear about it. The only alternative plan which has suggested itself to me that might be advisable, if it be advisable at all, would be to give the engineer corps the number of officers they seem to require, and give them the titles and rank——

Commodore MELVILLE. And reduce our pay to suit, too.

Mr. MEYER. Now, do I understand that even if that were conceded, while it would be satisfactory probably to the engineer corps as at present constituted, that it would not produce the harmony in the service which is the great desideratum now?

Commodore MELVILLE. I am afraid it would not. That is the argument urged by my brothers of the line.

The CHAIRMAN. Is there not something in the idea that has been urged upon us—that Congress must take hold and solve this problem when the Navy can not agree? Is there not something in the idea that after getting all the information possible that Congress may be able to take hold of this matter and make a reorganization on the basis of the best information they can get?

Mr. MEYER. But the experience of Congress—as far as my own experience goes, at all events—is that while we might be disposed in the fairest sort of way to take hold of the matter, if it did not meet with the approval of the officers of the Navy—not one, but all of them—their influence and power, I might say, on the minds of members of Congress is so great that we could not reach satisfactory legislation. What might be done now I could not say, but we know that in the past that has been the great stumbling block.

Commodore MELVILLE. In our board meetings, all the corps of the Navy were at first invited by the Secretary of the Navy to send their representatives, but they all asked to be left out except these two corps. The commandant of the Marine Corps appeared before us and made a long written and oral argument against his corps being amalgamated. Besides that the civil engineers waited on us and they begged that they might be left out. The Paymaster-General also appeared and he begged that his force might be left alone just as they were. We had a message from Chief Constructor Hichborn, and we had a message from the Surgeon-General that they wished that no action be taken in their force at all.

So it reduced itself to two corps, the engineer and the line.

Mr. MEYER. You had an application from the warrant officers?

Commodore MELVILLE. Yes, sir; a boatswain or gunner or some officer waited on us and presented a written argument.

Mr. MEYER. Would it not, in your judgment, add still more to the harmony of the service if you should embrace the elements that were not a part of your conference—for instance, the medical corps and the pay corps—and eliminate that obnoxious distinctions so far as titles were concerned—“relative rank”—from their commissions; for instance, make an assistant paymaster who has now the relative rank of ensign an assistant paymaster with the rank of ensign?

Commodore MELVILLE. Yes. I have no doubt that that would add to their health and comfort and do no harm to the Navy at all.

Thereupon the committee adjourned.

COMMITTEE ON NAVAL AFFAIRS,
Friday, April 15, 1898.

The Committee on Naval Affairs this day met for the purpose of continuing its hearings on the naval personnel bill, Hon. Charles A. Boutelle in the chair.

STATEMENT OF MR. WILLIAM WALSH, GUNNER, UNITED STATES NAVY.

The CHAIRMAN. If the gentlemen of the Committee here are willing we will hear Mr. Walsh make his statement. Mr. Walsh, we would be glad to hear you now.

Mr. HILBORN. I will state that Mr. Walsh represents the warrant officers.

Mr. WALSH. I wish to call the attention of the committee to the fact that the American Navy is the only navy in the world in which the man from the bottom can not rise beyond warrant rank. In the English navy, in the Italian navy, in the German navy, and in the French navy they all have an opportunity to rise, but in the American service they have not.

Mr. HILBORN. Will you state what the conditions are in those other navies?

Mr. WALSH. In the English navy the warrant officer is promoted and ranks with but after sublieutenant and with second lieutenant in the army. He is commissioned as chief carpenter, chief boatswain, or chief gunner, as the case may be, with that relative rank. After a number of years' service and before retiring they are often promoted to a lieutenancy and retired with the rank of lieutenant for length of service.

Mr. HURLEY. He is promoted simply for length of service?

Mr. WALSH. Yes, sir.

The CHAIRMAN. What are his functions when promoted?

Mr. WALSH. The same as previously. He goes on as previously, except it is an incentive to do his best in the other ranks; they also have responsible stations at naval depots.

Mr. HILBORN. Does he have command?

Mr. WALSH. In small tenders and in torpedo boats, the same as the warrant officers of the American Navy, in the smaller crafts.

The CHAIRMAN. For instance, take the case of a boatswain, what does he become when he gets his promotion?

Mr. WALSH. He becomes chief boatswain.

The CHAIRMAN. He is given relative rank?

Mr. WALSH. Yes, sir; he is commissioned as chief boatswain, with relative rank of sublieutenant.

The CHAIRMAN. What is the advantage to him in that?

Mr. WALSH. It defines his position better and gives more dignity to the position, and is also a reward for good service. He can also look forward to a second promotion as lieutenant, and he is retired as honorary lieutenant in many cases.

The CHAIRMAN. He is called lieutenant——

Mr. WALSH. Afterwards; yes, sir.

The CHAIRMAN. I want to find out what advantage this is?

Mr. HURLEY. Can he still be promoted?

Mr. WALSH. No, sir; that is the end of the English navy.

Mr. HURLEY. I should say he is liable to promotion if he deserves it?

Mr. WALSH. In other navies they do that. In the English navy that is the limit except for gallant conduct. He is then eligible for any position to which the Government finds him qualified, and to which they wish to appoint him.

The CHAIRMAN. When the chief boatswain is promoted to be a lieutenant what does he do?

Mr. WALSH. He is retired; that is, sometimes it is two years before he is retired, then he does the duties of a lieutenant or is placed in responsible places on shore and given the advantage of the lieutenant's retirement. Sometimes on foreign stations he continues in the same duties, but if he wishes he is entitled to mess with the wardroom officers.

The CHAIRMAN. How long does he hold that rank of lieutenant?

Mr. WALSH. About a year, or until he is retired.

The CHAIRMAN. During that year is he assigned to the same duties as the other lieutenants?

Mr. WALSH. In some cases; on board ship in a foreign port he performs usually the same previous duty of a chief gunner, chief boatswain, or chief carpenter.

The CHAIRMAN. Then what difference does it make? Does he get more pay?

Mr. WALSH. Yes, sir; he gets a lieutenant's pay.

The CHAIRMAN. He has only relative rank?

Mr. WALSH. No, sir; positive rank. In the Italian navy they hold relative rank with the army. There is a class of subordinate officers the same as British warrant officers and they have the relative rank as high as captain and sublieutenant of the army and at any period in either of those ranks, if of proper age, they can request and obtain permission to take an examination for the executive branch of the service with the same relative rank as that which they hold, and if they pass that examination they are in line of promotion to the highest grade.

The CHAIRMAN. How would they be able to pass the examination if a technical education is required there as it is with us?

Mr. WALSH. They are given the opportunities. If a man shows special aptitude, he gets special advantages.

The CHAIRMAN. As regards our own service we have special technical education of officers which requires a very severe term of instruction at Annapolis, so severe that a large proportion of the young men fail to get through, but what opportunity would there be for a warrant officer to acquire such an education?

Mr. WALSH. They would labor under difficulties, but Captain Cooke says (see Proceedings of Naval Institute, vol. 12, p. 49) he thinks Nature's school affords abundant facilities for men to master all those questions; but what the warrant officers especially ask is just the one incentive to be promoted to chief gunner, chief boatswain, chief carpenter, and chief sailmaker, without any hope of going any further. That is just an incentive for them to do their best to make one more promotion before they retire. For instance, now, a warrant officer can not be appointed under 21 years of age. Very few get there at that age, and he has a straight level of from 30 to 40 years to run without any incentive at all. The hope of the promotion sought will tend to increase his efficiency.

The CHAIRMAN. I do not see that it makes much difference what you call them. You might call them "acting gunner" or "assistant gunner" or "chief gunner."

Mr. WALSH. They are called acting gunners or acting warrant officers when they first get an appointment. They have to perform a year's sea service and furnish letters of commendation from their commanding officers to be promoted to full warrant rank. That ends it. They have no future hopes.

The CHAIRMAN. What is it that you call for in this bill?

Mr. WALSH. After ten years' service to be commissioned as chief gunner, chief boatswain, chief carpenter, and chief sailmaker, to rank with but after ensigns, with the relative rank and pay of a second lieutenant in the Army.

Mr. HILBORN. To be a commissioned officer and rank after an ensign?

The CHAIRMAN. Why not have the relative rank and pay of some officer of the Navy instead of the Army?

Mr. WALSH. That would be just as well; but the proposed personnel bill reorganizes it on the same line, and we thought this would be better. It might be made to read, same pay and allowance as second lieutenant of marines.

The CHAIRMAN. I think that is very objectionable in the personnel bill to fix the pay that way. Do you not, Mr. Southard?

Mr. SOUTHARD. It seems to me—

The CHAIRMAN. Why not say the pay should be so and so?

Mr. SOUTHARD. I could not see any reason for it.

The CHAIRMAN. It seems to me an anomalous thing. Here we go to

work and make a reorganization here, and the first thing we know the Military Committee go and reorganize the whole Army and change the whole grade and everything else in regard to the rates of pay.

Mr. SOUTHARD. The only thing I could see about it was this: If there was any contemplated change of the pay of a lieutenant in the Army, if there happened to be any change, it would rise with them.

The CHAIRMAN. I could see where it would be perfectly proper and natural in an argument in favor of a rate of wages to say that they ought to have the wages that the Army get, but I would put it in so many dollars. It seems to me where those two bodies are legislated for distinctly, one ought not to be predicated on the schedule for the other.

Mr. SOUTHARD. It would rise automatically; it is not contemplated that there will be a falling of the pay, but would rise automatically with the pay of the Army.

The CHAIRMAN. It is a sort of concession of superiority I would not want to make for the Army as against the Navy.

Mr. WALSH. We had in contemplation the present pay, and not any possible increase that might be given the Army.

Mr. SOUTHARD. I did not know but what the language you used here would occasion an automatic rise, or a rise corresponding to any future advance that might take place in the pay of a lieutenant?

Mr. WALSH. That is so of the proposed personnel bill; our bill reads the pay now allowed to a second lieutenant in the Army; that would preclude any possible rise.

Mr. HILBORN. And you drew that bill because the personnel bill was drawn that way?

Mr. WALSH. Yes, sir.

The CHAIRMAN. That is no criticism against the bill; it can be remedied. But it strikes me the whole matter of pay ought to be fixed not on the basis of some other corps.

Mr. WALSH. Another thing I would like to say is that all the laws relating to the higher grades in our Navy are compulsory in the line of promotion, and all that pertain to the warrant officers are more or less discretionary. The number of warrant officers are not fixed; the number of promotions of enlisted men to warrant officers are not fixed, and that makes it work harder on them, because, for instance, sometimes a bureau officer will contemplate abolishing warrant officers and let their numbers run down to 30 or 40 for each grade, and then some other bureau chief, with other ideas, will appoint a great many, bunching them together. The Naval Register will show that in one case one gunner was appointed in eight years and at another time eight or ten appointed in one year. This condition is not the best incentive to those seeking such appointments. He may remain in the Navy with the expectation of being promoted to be a warrant officer and there may be a dozen vacancies and none may be filled, and he becomes discouraged and leaves the service. If there was a fixed number for each vacancy there would be a sure appointment, and not left to somebody's whim, and I think it would be very much better for the service in general.

The CHAIRMAN. Is there any law now specifically governing the employment and rating of petty officers to warrant officers?

Mr. WALSH. No, sir. A candidate must possess certain qualifications, fixed by the Department.

Mr. HILBORN. Is there not some difference between them?

Mr. WALSH. Yes, sir. A chief petty officer is the highest promotion in the enlisted force. The next step is to warrant officer.

The CHAIRMAN. Is there any specific legislation that fixes the number?

Mr. WALSH. No, sir; there is nothing that fixes the number.

The CHAIRMAN. Is there any law which you know of that regulates the number of petty officers and rates and duties of petty officers and warrant officers that shall be assigned to a ship like the *New York*, for instance?

Mr. WALSH. No, sir; there is nothing except the regulations of the Department, the allowance table.

The CHAIRMAN. That is made up by whom?

Mr. WALSH. By the Bureau of Navigation for the personnel.

Mr. HILBORN. Who fixes the pay of a warrant officer?

Mr. WALSH. It is fixed by law.

Mr. HILBORN. How is it with the petty officers and enlisted men?

Mr. WALSH. That is fixed in the Navy Department. The President fixes it, but on recommendation of the Navy Department.

The CHAIRMAN. That is a curious thing. Every man on board a ship can be made a petty officer, I should judge, by the action of the Department or they can double the number of petty officers. They can double the pay of any petty officer.

Mr. WALSH. In regard to the warrant officers the numbers should bear a certain proportion to the enlisted force. That is the way it is established abroad. The warrant officers bear a certain proportion to the number of enlisted force; this should be at least seven-tenths of 1 per cent for each of the grades established.

The CHAIRMAN. Masters-at-arms are not warrant officers?

Mr. WALSH. No, sir; they are petty officers.

The CHAIRMAN. This is a curious thing they have got down here in this table, chief master-at-arms who gets \$65 a month, then chief boatswain's mate, chief gunner's mate, etc.

Mr. WALSH. He is the chief petty officer of the ship; he is the chief of police of the ship really.

Mr. SOUTHARD. What do the gunners get?

Mr. WALSH. From \$900 to \$1,800; \$900 in the beginning to \$1,800 after twelve years.

The CHAIRMAN. They get \$900 on shore duty and \$1,200 at sea?

Mr. HURLEY. And \$1,800 is the maximum?

Mr. WALSH. Yes, sir.

Mr. SOUTHARD. What position do you hold?

Mr. WALSH. Gunner.

Mr. HURLEY. What class?

Mr. WALSH. I am simply a gunner.

The CHAIRMAN. How long have you been a gunner?

Mr. WALSH. For sixteen years.

The CHAIRMAN. What pay do you get?

Mr. WALSH. On shore I get \$1,600 and at sea I get \$1,800, and that is the highest a warrant officer can get. Then they have a dead level of many years—years without hope of promotion, better status, or any incentive to do their best.

Mr. HURLEY. Any increase in pay?

Mr. WALSH. Not after twelve years.

Mr. BUTLER. What is the pay on the retired list?

Mr. WALSH. It is the same as the other officers—three-quarters pay if you are disabled in the line of duty, one-half if you are disabled for causes not incident to the service.

Mr. BUTLER. But you are retired at a certain point?

Mr. WALSH. At 62 years of age.

Mr. BUTLER. What would be the pay if you were not retired by any disability, but by reaching the age limit?

Mr. WALSH. Three-quarters pay.

Mr. BUTLER. Three-quarters sea pay or land pay?

Mr. WALSH. Three-quarters of the highest pay.

Mr. BUTLER. That is what you would get the balance of your natural life?

Mr. WALSH. Yes, sir; if I live longer than 62.

Mr. BUTLER. I hope you will.

Mr. BUTLER. How did you get your appointment as gunner?

Mr. WALSH. I entered the service as an apprentice boy. We had held out after that an inducement that apprentices could become warrant officers, and I studied for that, and when I became 21 years of age I made application for appointment, but got the answer from the Navy Department that there were no vacancies, and I reenlisted and joined the gunnery school established at that time. I made several applications, and the Department still answered that no vacancies existed, although a number of warrant officers had been retired in the meantime; and some friends of mine thought that I was not being justly dealt with, and they wrote to the Department concerning the matter, and I was ordered to the Washington Navy-Yard to undergo a strict and searching examination as to my aptitude and qualifications, in case the Navy Department should subsequently desire to appoint me. I was ordered from Portsmouth, N. H., and, after an examination, was appointed an acting gunner.

Mr. BUTLER (examining Naval Register). Who is John J. Walsh?

Mr. WALSH. A gunner at the Washington Navy-Yard also; after that I had to serve one year at sea as acting gunner, and then was appointed full gunner.

Mr. HILBORN. Now you have a warrant what is the advantage that would be derived by your getting a commission?

Mr. WALSH. It will make your position recognized, for instance——

The CHAIRMAN (examining the warrant). You have the President's signature here?

Mr. WALSH. Yes, sir.

The CHAIRMAN. I did not have the President's signature on mine all through the war.

Mr. SOUTHARD. Under whom were you appointed?

Mr. WALSH. Under President Arthur.

Mr. HILBORN. What advantage would you get from this commission?

Mr. WALSH. The marines are governed by army laws, and there is no relative rank in the Army corresponding to the grade of naval warrant officers. This has led at times to misunderstandings and disregard of proper discipline. For instance, a marine officer told me once that I was not an officer and was not entitled to any courtesies as such. Another instance is at Fort Wadsworth, New York Harbor, the gunner stationed there has charge of many thousand dollars' worth of ammunition and ordnance stores, and the Army privates and corporals, etc., did not pay any attention to him—treated him without respect, and with disrespect at times. The attention of the War Department having been called to it, they decided that there was no grade in the Army corresponding to the warrant officer of the Navy, and that they did not recognize anything but a commissioned officer. In this case after a while we would get a commission and that would fix our standing. Warrants are of various degrees, the warrant from a colonel of a regiment to a

corporal or sergeant—our warrant from the President—but there is only one commission. This is recognized in all military services, no matter how high or how low the rank.

The CHAIRMAN. Is not this a commission?

Mr. WALSH. It is not approved by the Senate. It is not recognized as a commission.

The CHAIRMAN. My impression is this is printed with the exact wording of a commission; they leave a blank here for the grade and I think that this is just the same that a commodore has.

Mr. WALSH. But it says "by and with the consent of the Senate" in the other, and this does not have it. Another case is in regard to the pension laws, where if a warrant officer, for instance, is killed to-day in action, if he leaves a wife or family, his widow, I believe, will get less pension than a marine private soldier, or seaman. The pension of a private is \$12 and for the warrant officer \$10.

The CHAIRMAN. Why is that?

Mr. WALSH. That is the way the laws are.

Mr. HURLEY. The laws are rules of the Department—

Mr. WALSH. No, sir; that is the pension law.

The CHAIRMAN. What is that based upon?

Mr. WALSH. In the new pension law, which gave \$12 to a soldier's or sailor's widow, but the old law stated that a warrant officer's widow should get \$10.

The CHAIRMAN. That never was intended.

Mr. WALSH. This would remedy that.

The CHAIRMAN. That is a mistake.

Mr. HURLEY. That is the law of 1890?

Mr. WALSH. I do not know what year the law was enacted, but will endeavor to find out at the Pension Office.

The CHAIRMAN. That seems as if the law was carelessly worded.

Mr. WALSH. Some officers at the Department have drawn up an amendment to the pension laws, as follows, but it refers only to commissioned officers, and the warrant officers are not mentioned:

That section 4696, Revised Statutes, be amended to read as follows, viz:

"When any commissioned officer of the Army, Navy, or Marine Corps dies while on the retired list, the widow and minor children shall receive the pension allowed for the grade he may hold at the time of death; and when any commissioned officer of the Army, Navy, or Marine Corps dies, while on the active list, from causes not due to his own irregularities or bad habits, the widow and minor children shall receive the pension allowed the grade he may hold at the time of death; and any commission or Presidential appointment regularly issued to such person, etc., as in the rest of section 4695."

REASONS.

When an officer is on the retired list he is supposed to be there for long service or for causes incident to the service, and placed there by the action of a board and the President. He is generally without the required medical record after retirement, and therefore would fail to get a pension. Being on the retired list should be a sufficient reason for a pension.

Those on the active list must *now* have a medical record to connect death with causes incident to the service. This encourages going on the sick list, shirking duty, etc. But it may prevent promotion, so one is placed between two fires. Again, the pension is now given according to the grade held at the time the disability was incurred. Hence there is a case of an admiral's widow having been granted a midshipman's pension.

The CHAIRMAN. I do not remember the wording of the law, but it was intended to apply to sergeants, corporals, and soldiers.

Mr. HILBORN. I would like to get at this. What advantages will come to the warrant officer by the passage of this bill? Now, you have spoken of this thing about pensions. Now go on.

Mr. WALSH. Our position will be recognized both with the Army and Marine Corps. For instance, if I am operating with a body of sailors on shore with the Army, and there should be a conflict of authority in case the second lieutenant of the Army was away, or left a body of men there under the command of a noncommissioned officer, he would not recognize my authority at all.

Mr. HILBORN. Because there is no corresponding grade in the Army?

Mr. WALSH. Yes, sir.

The CHAIRMAN. They would not now; the Army and Navy do not recognize each other's rank at all.

Mr. WALSH. When they are working jointly they take precedence, etc., according to relative rank. Our position in the service would also be much better, and thus it would be for the benefit of the enlisted force generally. A boy could go into the service and he would know that a commission was within his reach; he would obtain greater respect from those below him and from those above, and his usefulness increased in many ways.

The CHAIRMAN. That is what Mr. Hilborn is trying to find out—what additional dignity is granted or acquired.

Mr. WALSH. There are a good many things in the service a commission carries that a warrant does not in the way of a better understanding of a man's position.

The CHAIRMAN. I think you must be mistaken about this pension business (reading the law).

Mr. WALSH. Perhaps if a claim were filed under the general pension laws they may get it, but if they file it under the laws of the warrant officer they will only get \$10.

(NOTE.—Since testifying I have been informed at the Pension Office that the law of March 19, 1886, has been so construed as to give a warrant officer's widow as high a pension as a private soldier, sailor, or marine.)

The CHAIRMAN. Do you suppose they have made any construction on a widow's pension based upon the technicality that a warrant officer is not either an officer or an enlisted man?

Mr. CUMMINGS. I expect they have.

The CHAIRMAN. They have no right, because the broad purpose of that law is perfectly clear. I remember, now that this is called to my attention, that in the law I had drafted in regard to the removal of charges of desertion I had a special law applying to the Navy drawn up, and I got the Department to word some portions of it as to technicalities and we put in there: "Any appointed or enlisted man." And that was done to cover these warrant officers. Why was not some attention called to that long ago?

Mr. WALSH. It was only recently I found it out, by a proposed amendment to the pension laws. I looked up some laws, and the only one mentioning warrant officer fixes the widow's pension \$10.

Mr. CUMMINGS. Have you got the record of a case where they refused a pension to a warrant officer?

Mr. WALSH. I think I can find it; I know of a boatswain's widow; but that was some years ago.

The CHAIRMAN. All we have to do is to put one word in there, "any officer, or appointed or enlisted man." "Officer or enlisted man" means the rank and file.

Mr. HILBORN. Warrant officers are retired, and that could be only on the theory they are officers.

The CHAIRMAN. There is no general pension law which gives \$12 a month, is there?

Mr. WALSH. Yes, sir; there is. When a man dies in the service now his widow gets a pension of \$12 a month under the general pension law.

The CHAIRMAN. Under the old law. That is, where he dies in the service. There are some cases where they do not die in the service.

Mr. WALSH. Yes, sir.

The CHAIRMAN. I do not see how the law could be construed there against the warrant officers?

Mr. WALSH. The law simply says the rate of pension for boatswains, carpenters, gunners, and sailmakers shall be \$10 a month in the laws relating to the Navy.

I wish to say that the granting of the commission would be an incentive for everybody to do his best, and would be a badge of honor to which enlisted men would look forward, and it would increase the efficiency of the service, as it has in the Army. It would increase the efficiency of the warrant officers to strive for it; it would increase the efficiency of the chief petty officers and others aspiring for promotion, and it would increase the efficiency of the boys and tend to keep them in the service, and not run away or stay out of the service. At the present time there have been about twenty thousand boys enlisted, and we can not get enough ex-apprentices to man our ships; we can not get untrained seamen enough to man a few ships.

Mr. HILBORN. What is the reason that the boys do not remain in the service?

Mr. WALSH. There are several reasons. One of the reasons is that there is no well-regulated system of promotion. Promotion even to the petty-officer grade is uncertain and arbitrary, and to the warrant-officer grade it is that way, too, and there is too much discretionary legislation so far as the warrant officers getting promotion is concerned.

Mr. FOSS. How are the promotions made?

Mr. WALSH. The President promotes the warrant officers. The President appoints as many as he sees fit, and in some instances that has worked very much to our disadvantage, because some officers in the Department have said that they would let the warrant officers die off, and our number has run down to 30 or 40 in the different grades, and then some other officers get in and say that there ought to be more appointed, and they bunch them up. If the numbers were regulated by law in a certain proportion to the enlisted force, as is done in foreign navies, as soon as the warrant officers died or left the service there would be vacancies there for some other men to go in. They would know that that vacancy was there, and they would have a right to apply for it, and if a man could pass the examination he could get it.

Mr. FOSS. I understand the warrant officers want to be commissioned officers?

Mr. WALSH. Yes, after a certain number of years.

Mr. FOSS. After ten years?

Mr. WALSH. Yes; to be chief boatswains, chief gunners, and chief carpenters, and chief sailmakers, the same as in the English navy. The British navy is considered the best in the world, and ours is patterned after it in many respects. *It is not patterned after it in the respect of granting promotions to warrant officers.* Furthermore, in the English navy the warrant officer is surrounded with every safeguard. If the law says the captain and lieutenant shall have so much, it says sublieutenants and other officers, including warrant officers, shall have

thus and so. Wherever other officers are mentioned it always includes the warrant officers. In our service this is not so. It is the same way with the men——

Mr. FOSS. What is their title?

Mr. WALSH. Chief boatswain, chief gunner, and chief carpenter.

Mr. FOSS. The same as now?

Mr. WALSH. We have no chiefs; that is what we seek. We would rank after the lowest rank in the Navy. This would fix our standing with the Army and with the Marine Corps and fix it in the Navy.

Mr. FOSS. Would they be able to get any higher than that?

Mr. HILBORN. Do I understand you to say the practice of the English navy is exactly what you want—that this bill will make your service conform to the English service?

Mr. WALSH. In a less degree. They have one degree more promotion; that is, they retire at the age of 55, many with the honorary rank of lieutenant, and also lieutenant's pay; that is compulsory retirement, and in our service it is 62 years of age. They can retire voluntarily at 50 years of age.

Mr. FOSS. What you want, then, would be to simply make another grade?

Mr. WALSH. Yes, sir.

Mr. FOSS. You would be shut off from any higher grade?

Mr. WALSH. Yes, sir; we would be shut off from any higher grade. Warrant officers can now be appointed up to 35 years of age. When he became a chief he would be 45 years old. In other words, there would be some hope for a promotion up to 45 years of age, whereas now he is cut off from promotion at 21 to 35 years.

Mr. FOSS. Would not the same reasons for still higher promotions to still higher grades be as weighty as the reasons you assign for promotion to a new grade?

Mr. WALSH. The greatest good to the entire service would probably be had by granting as many opportunities as possible—that is, there would be more promotions. If you wanted to promote to the higher grades, you would have to take a boy at a very young age into the regular line in order for him to go up, because if you didn't—if you waited until he was 30 or 35 years old and then put him at the bottom of the ensigns list, he would never get very far, probably would not get above lieutenant junior grade or lieutenant, when he would have to retire anyway, and the number would be necessarily limited.

Now an ensign will get into the service at 21 years of age, but a boy would have to be 14 to 17 years of age when he entered the Navy, and he would have to serve until he was 21, and then reenlist and serve three years before he could be made a warrant officer, and then if you put him in line of promotion, he would have to take rank at the bottom of everybody and would not get very far; besides, this would not provide promotion for all the warrant officers.

Mr. FOSS. He could get up to be lieutenant?

Mr. WALSH. He might and he might not, for the age would have to be limited, and that would keep out everybody else who did not obtain it at a very young age. In the bill which the warrant officers seek to have enacted he would have the opportunity of one promotion up to 45 years of age. The greatest good to the service would probably be by having this bill enacted, and in this way we have the greatest number of sure promotions, and in the other it would be uncertain, although I believe there ought to be an opportunity for one or two to get up that way. That would be a still further incentive.

In the old apprentice system mentioned a boy, if inside of a year he showed aptitude, was sent to the Naval Academy, and many so sent have passed well up in their class—some I believe at the head of their class—which shows that the material entering the training ships was quite equal to that entering the Naval Academy.

Mr. HILBORN. What was the reason for the abandonment of that apprentice system?

Mr. WALSH. It was said that the boys got discouraged and wanted to get out of the service. That is, that their parents let them go in, thinking they would get this opportunity to be promoted, and then when they did not become officers in a year or two they wanted to get out of the service. In the bill requested by the warrant officers the Government would have the services of these boys many years before they would look for promotion. It would be an inducement that would not disappear, as in the case of the old apprentice system.

Mr. FOSS. In the Italian service any civilian can aspire to the highest rank?

Mr. WALSH. Yes, sir; that is, any enlisted man. They have two branches. One is called the executive officer branch and the other is the general service. The executive branch consists of all the officers, same as our line, and the general service corps consists of crews of all vessels, including men in charge of completed ships not in commission, as well as those detailed for coast defense.

Mr. FOSS. They have a naval school there?

Mr. WALSH. Yes, sir.

Mr. HILBORN. Do they have something corresponding to our Annapolis Academy?

Mr. WALSH. Yes, sir; I believe they have. This general service corps includes also a special class of subordinate officers, corresponding to those of captain and sublieutenant in the Army, and these officers occupy a social plane similar to warrant officers in the British navy. They are promoted by selection, but after an examination from chief petty officers, who in their turn have been advanced systematically rank by rank after strict examination. These officers, however, including those with the rank of captain (Army), are ranked as subordinates, but to certain ranks, such as our warrant officers, a higher position is open, to bring them in line with which their connection with the general service corps is severed, and they enter the corps of executive officers.

From the general service corps officers are selected to join the corps of executive officers under the following conditions: Promotion to any grade can only be to the next higher grade, though officers may be transferred from the former corps to the last named in the rank they previously held; under either method the officers must be recognized as capable of performing the duties of the grade next above that he is serving in, and they are then eligible for promotion to the highest ranks.

In the French service I understand that about 10 per cent of their sublieutenants come from the enlisted corps. Another reason why the boys remain out of the Navy is the lack of any well-defined promotion, and the highest position they can reach, warrant officer, is regarded by many officers as being a position very inferior to a position in civil life to which much less responsibility is attached.

Mr. HILBORN. I suppose the opposition of the cadets at Annapolis to this comes from the fact that people coming in from civil life would interrupt the free flow of promotions—

Mr. WALSH. To which they look forward; yes, sir.

Mr. HILBORN (continuing). To which they look forward. How do they overcome that opposition in the Italian navy.

Mr. WALSH. Simply that in the Italian service and in the English service and all those services they do not care what operates to the advantage or disadvantage of individuals. They simply say it is for the good of the service.

Mr. HILBORN. They consider the navy for the benefit of the country rather than the country for the benefit of the navy?

Mr. WALSH. Yes, sir. Another reason is, a good many of our officers do not want Americans in the service—in the Navy.

Mr. FOSS. Is that possible?

Mr. WALSH. I have here Proceedings of the Naval Institute, page 413, a discussion on naval training by Lieut. E. B. Barry. Volume 16, Proceedings of the Naval Institute, page 413, a discussion in naval training, Lieut. E. B. Barry, says:

The reasons why apprentices do not return to the service is to be sought, not in seamanship, but in crews. Put a lot of apprentices aboard an American ship with an American crew and they usually will be content. But our Navy is not the place for American boys. Our officers say openly they prefer Scandinavians, as the Admiral (Luce) himself hints, and American boys soon see their country's service has no place for them. As a consequence few of the best boys reenlist except for the benefit of the gunnery class, and many desert, disgusted, before their term of service has expired. If we want these young men to come back, let us convince them they will serve on American ships. I believe an honest effort to man our ships with our own people should be made; then the Olesons and Neilsons that refuse to become citizens of the United States, but who are eagerly sought after by officers, will give place to Americans, who, if not so easily governed as the mass of foreigners forming our ships' companies, will be ready to serve their own country, and, if necessary, die for their own flag.

Commander Cooke says, volume 12, page 49 of the Proceedings of United States Naval Institute:

The ease with which foreigners may enter our service would make it a very simple matter in time of war for an enemy to have informers and spies in our ranks whose presence it would be difficult to detect. Surely such men can not be expected to give a good account of themselves in time of war.

* * * * *

Because good men will not enlist in the service, worse are taken, and because of the conduct of these good men will not stay. *A remedy must be found if our Navy is to become a national representative of our best qualities.*

Worthy young men often enter the Army in the hope of securing those prizes (commissions), and their presence helps to elevate its tone. I think legislation for both services should be on parallel lines.

It is certainly an anomaly that a young American is cut off from all hope of receiving a commission in our Navy, whatever may be his services, his talents, or his abilities, while such a reward would raise the tone of the men and be of inestimable value in stimulating the zeal of the whole service.

It is not absolutely necessary that the men intended for any profession or calling should be all turned out of exactly the same mold, and nature's rough school affords abundant facilities for developing the needed brain power to master the various questions we have to encounter. So it is possible those who have gained their knowledge by experience and learned to rely on their own resources may make good officers; at all events, the way should be open and the effort will have a beneficial influence.

He is one of the most popular captains in our Navy. The condition of our Navy at the present time is nearly approximate to the condition of the English navy at the time of the outbreak of the Crimean war, so far as regards obtaining men.

In speaking of that, Admiral Luce says (Proceedings of the Naval Institute, volume 1, page 2):

The breaking out of the Crimean war revealed the interesting fact, until then not generally known, the splendid organization and discipline of the French navy and the low state of the English seamen.

Following promptly on the opening of hostilities, the French squadron put to sea in the highest state of efficiency with large bodies of troops, and all the various munitions of war were transported to their destination with an alacrity and order which filled with dismay the ever-watchful neighbors across the channel, while numbers of the finest line-of-battle ships of the English fleet swung at their anchors in helpless inactivity, waiting for men; the English, relying on their ancient prestige, had been content.

The result was the appointment of a committee which was instructed to examine into and report on the whole subject of manning the Navy. The investigation seems to have been very full, and the report was very elaborate. Among other recommendations, it was stated *emphatically that the gradual organization of a permanent navy must principally depend upon the supply of trained boys*, and that at least five vessels should be selected at the different ports, forming, as it were, so many marine schools. It was not long before it dawned on the public mind that this kind of technical education for lads answered admirably well for the Navy, and this, I think, sufficiently accounts for the splendid body of native-born seamen which now man the British fleet.

The question of fitting out a fleet is not a mere question of finances. Money can always be raised, and money will produce any number of craft, but money will not make sailors. Gold will not make a disciplined crew, nor an experienced staff of officers—and of what use are ships without a living soul to command and the ready hands to obey?

Our uneducated seamen will stand no chance against the trained gunners of England and France.

Engaged in a naval war, by whom are our fine ships to be manned? The model officer, with his high culture and careful training, whom is he to lead in the day of battle? And after all searching of the arts and sciences and the racking of brains and exhaustion of inventive faculties of the country that we may have the very best guns, mounted on the most perfect carriage and loaded with the most destructive shell, who is to reap the rich harvest and in one supreme moment utilize these rare contributions of brains, time, and money? Is it not the man who points the gun and pulls the lock-string?

We need for our ships the thorough seaman, with his characteristic devotion to the flag of his country, his contempt of danger, his love of adventure, combined with the carefully trained naval gunner, *and the prejudices of many of our officers to the contrary*. We may look to our seamen of the future for yet higher qualities.

If it was indignantly declared in Congress a disgrace to the country to have ships flying the national colors made of foreign bunting, what will be said of the fact that the greater part of the men who man our naval guns are foreigners? It must be admitted, too, that some of these claiming to be and perhaps are Americans are utterly useless for any good purpose on board ship; and yet will I yield to no one in my high appreciation of the true American seaman when found, as he still may be, in our service, though in a *deplorably small minority*. He is one to be proud of and respect, prompt and fearless, fertile in resources, patient, even cheerful under adversity, of wonderful endurance, intelligent and self-reliant, and with an unflinching, uncompromising fidelity to his flag. Take him all in all, I maintain our true Yankee sailor has not his equal in the world.

Mr. FOSS. When was that published?

Mr. WALSH. That was from the Naval Institute, volume 1, page 2. It is a good many years ago. It must have been in 1880 or in 1881.

Mr. FOSS. Now, I want to call your attention right there to the report of Commodore Crowninshield, chief of the Bureau of Navigation, page 4, in which he states that the number of men in the general service is 2,845 petty officers, and of this number over 48 per cent are native born and 83 per cent are citizens of the United States. Of the 5,840, then, in the general service holding other ratings, 58 per cent are native born and 70 per cent are citizens of the United States. Of the number of men in the special service, 351 are petty officers, and of this number over 83 per cent are native born and over 91 per cent are citizens of the United States.

Of the 667 men in the special service under other ratings over 48 per cent are native born, and over 68 per cent are citizens of the United States. Of the whole number of men in the service over 54 per cent are native born and 74 per cent are citizens, as against about 52 per cent and 72 per cent, respectively, on June 30, 1896. Over 12 per cent of the remainder have declared their intentions. Of the 1,643 apprentices in the service over 86 per cent are native born. That would seem to indicate that the service is being gradually improved in recent years in respect to the points you name.

Mr. WALSH. They have adopted new regulations by which a man can not become a petty officer, or at least hold a permanent appointment as a petty officer, unless he is a citizen, and, further, they will not now admit any foreigner even if he has just come from abroad to-day unless he declares his intention to become a citizen of the United States. In that way the Navy is apparently being Americanized.

Mr. FOSS. So they have remedied that condition.

Mr. WALSH. In a measure. But a great many of those men who come over and are citizens only serve three years or five years in the service before they are made citizens. At the same time they may never have been in the United States more than a month or two, and they are not acquainted with our institutions or anything of the kind, but are simply in the service and they get their citizenship by serving in our ships.

Mr. HILBORN. In what branch of the service does the highest percentage of desertions obtain? I suppose among the apprentice boys.

Mr. WALSH. Yes, sir.

Mr. HILBORN. And there is where the greatest percentage of American citizenship is found?

Mr. WALSH. Yes, sir; 86 per cent American born.

Mr. HILBORN. Why is that?

Mr. WALSH. There are a number of reasons. A good many officers in the service do not desire Americans in the service. A piece which I just read yesterday out of the Boston Transcript says that naval officers regard it necessary to have a certain number of foreigners in our Navy, because an American knows his status and is more apt to insist on it, and that the foreigner is accustomed from early childhood to pay deference to high authority and high classes, and that this is very necessary in sea life.

Mr. HILBORN. You have not answered my question. I asked why it was they deserted.

Mr. WALSH. One of the reasons is that they are looked upon by many of their officers as not being worthy of advancement. In all foreign services a boy who shows any adaptability or aptitude is instructed both in schooling and everything else to make a more perfect man of him—make him a better man, a more intelligent man for the service. In our service it is the opposite. A boy gets no instruction in schooling after he leaves the training ship, and very little there. Speaking of this, Captain Goodrich, who commands the War College, says—

Mr. HILBORN. Where does that appear?

Mr. WALSH. In volume 5, page 337 of the Proceedings of the Naval Institute. He says:

A long-continued and unsuccessful attempt to secure the proper elements of a crew in the open market of the world's sailors has shown conclusively that, to get what the service needs, the service must take American boys at an early age and train them after its own pattern.

* * * * *

The fault which has shipwrecked former systems was a tendency to give boys more book learning than was necessary. The purpose of a training ship is to teach boys to be man-of-war's men—nothing more and nothing less. They are not schools of English literature or universal history, nor are they schools at all, strictly speaking.

* * * * *

From this point of view, anything and everything which tends to raise them above their calling, to make them dissatisfied with it, or impair their usefulness is bad.

Time is too short to waste in discussion of the book-learning an apprentice ought to receive. Everyone is agreed on the three "R's." My own convictions, however, are strongly against any instruction whatever beyond the barest elements. I do not say the apprentice will not be the better man for the possession of greater knowledge, but I do say that the Navy will, in nine cases out of ten, lose his services.

Boys who enter the Navy are intelligent enough in most cases to realize that there is little hope for promotion in a service where such an estimate is placed on them by officers of such high rank. Speaking further of the apprentice, he says: "The average apprentice is wedded to his pristine dirtiness."

Mr. HILBORN: Does the fact that there is no opportunity, no hope of getting a commission, have any effect—

Mr. WALSH. A great deal of effect. The fact of their being unable to obtain a commission, the fact that they know they can not be promoted to any higher place than the doubtful status of a warrant officer, causes them to leave. Boys about to be discharged have asked me and other warrant officers about reenlisting. I could not conscientiously advise them to do so, although I knew they would make good men for the service. A warrant doesn't carry the authority or respect that a commission would.

Mr. FOSS. There is no large difference, is there?

Mr. WALSH. Yes; there is, aboard ship. Just the effect of a man being a commissioned officer makes a great deal of difference, both in regard to his being able to have more authority, carrying on the work more satisfactorily, and also more respect from the men and officers.

Mr. FOSS. What do you understand is the difference between a warrant officer and a commissioned officer?

Mr. WALSH. Well, the commission carries many privileges that a warrant does not, and the difference between our warrant and a commission is that one is confirmed by the Senate and the other is not. A commission is a recognized authority the world over. Warrants are from various inferior sources, a commission from only one—the head of the Government.

Mr. FOSS. The appointment is made by the President, without the confirmation of the Senate, in the case of the warrant officer?

Mr. WALSH. Yes, sir; in case of a warrant officer.

Mr. FOSS. Do you think that mere fact—that one is confirmed by the Senate and the other is appointed by the President and not confirmed by the Senate—does that mere fact give any more privilege or rights to the one than to the other?

Mr. WALSH. Yes, sir; it does.

Mr. FOSS. What additional rights or privileges does it give to the commissioned officer?

Mr. WALSH. The regulations prescribe that certain duties can only be performed by commissioned officers, without regard to their being a line or staff officer, courts-martial, labor boards, and in many other things incident to the service. The bill, if passed, will enlarge the sphere of usefulness of the warrant officers in many ways. In the military usage it counts right straight through. A corporal of marines, for instance, or a sergeant of marines is promoted to that and is warranted

by the colonel of the corps, and yet they consider in many cases that their warrant is as good as the gunner's, whose warrant comes from the President of the United States. A point has been made that the sergeant's warrant is of an older date than the gunner's warrant, and therefore took precedence. The Army say that there is no relative rank in the Army like the warrant officers in the Navy, and it operates to our disadvantage there.

Mr. FOSS. Don't you think if we were to establish this new grade, within a year those who were in a new grade would want to have other grades opened up before them?

Mr. WALSH. No, sir; I do not. There is a law that passed giving us rank as high as a junior lieutenant, much higher than is here proposed; but it was discretionary, and there has not been any man promoted to that. We are not asking for as much now as that law gives.

Mr. FOSS. That was in the discretion of the President, I understand?

Mr. WALSH. Yes, that is the trouble. All other promotions to other grades are compulsory, but when it comes to the warrant officers it is discretionary. Everything is discretionary with the warrant officers. The number is discretionary. The law does not provide for any flow into either grade. The promotion to this relative rank is entirely discretionary. So we have always suffered through these discretionary laws, and yet in every other corps and rank in the Navy it is absolutely a compulsory promotion.

Mr. FOSS. How many warrant officers are there now?

Mr. WALSH. One hundred and sixty. We are less in proportion to the enlisted force—I mean the warrant officers—than in the English navy. They base their number of warrant officers to a certain percentage of the enlisted force. That is about 2 per cent of the enlisted force there, while in our Navy we are only about $1\frac{3}{10}$ per cent of the enlisted force; this, of course, works again to the enlisted man's disadvantage by keeping down the opportunities for promotion.

Mr. FOSS. How many of the warrant officers would be benefited by your proposition?

Mr. WALSH. At first probably about 60, but in three years there would be considerably less, because there are about 30 of them nearing the retiring age.

Mr. FOSS. That is, about three years?

Mr. WALSH. Yes, sir.

Mr. FOSS. About 30 of the 60 would be retired?

Mr. WALSH. Yes, sir.

Mr. FOSS. They are retired at half pay, are they?

Mr. WALSH. It all depends. For long and faithful service or injuries received in the line of battle or incidental to service they get 75 per cent of their pay.

Mr. FOSS. But ordinarily?

Mr. WALSH. That is 75 per cent.

Mr. FOSS. Yes; but ordinarily what pay?

Mr. WALSH. Fifty per cent not in the line of service, or one-quarter sometimes.

Mr. FOSS. What are they receiving to-day?

Mr. WALSH. The pay?

Mr. FOSS. Yes.

Mr. WALSH. The highest pay they can receive is \$1,800 at sea and a ration, \$1,908.

Mr. FOSS. Would this new grade mean additional pay?

Mr. WALSH. It would to the highest, but it would also decrease the pay of a number of them. Between the ten and fifteen year period it

would decrease the pay of the warrant officers at sea. There is a considerable decrease. It would decrease it about \$220 at sea between the twelve and fifteen year period, and it would decrease it from \$20 to \$30 between the ten and twelve year period, and it would require a man to go twenty years to get on his highest pay, whereas now it takes only twelve.

Mr. HILBORN. Because it assimilates this to the army pay?

Mr. WALSH. Yes, sir.

Mr. FOSS. How much increase does this make?

Mr. WALSH. I figured it out. I do not believe that there would really be any great additional increase, considering the decreases that are to be made, but I figured out all the increases and make it \$15,000 for the whole; that without figuring the decrease. That will depend more or less on the number at sea. We would lose our ration, for instance, and if there were fifty of this grade at sea—if there were 50 or 60 warrant officers above ten-year service at sea—that would lose a ration each, which would make \$6,000 they lost. That loss or gain of course would be fluctuating on the number at sea.

Mr. FOSS. Returning to the subject of foreigners in our service, is not one reason why there are so many foreigners in our service due to the fact that they are on sea, and do not remain on land long enough to qualify as citizens?

Mr. WALSH. Well, we often do not wait for them to come. Many would never have seen the United States, if we did not pick them up abroad.

Mr. FOSS. Is not that one of the reasons?

Mr. WALSH. Yes; of course, a good many of them are deserters from foreign navies. I went out in one ship containing a number of deserters from the English navy. They were always pointing out the beauties on the English ships, and how quickly they could knock us into a cocked hat, and that was the experience we had with the Englishmen, the same experience of many other ships.

Mr. FOSS. Do they prefer our navy to their own?

Mr. WALSH. For pay only; but I have heard them say that they are willing to fight anybody else, but when it comes to fighting their own Government they want to get out of our Navy. I saw by the papers the other day that the *San Francisco* lost 20 men in Lisbon by desertion. The papers said that they were Spanish. I do not believe that they were Spanish. I think that they were what we call "dagoes"—Portuguese or Italians. They are willing to stay in the service as long as there is peace and a good time, but when it comes to a fight then they want to get out.

Mr. HILBORN. In the English service they have nothing but Englishmen, have they?

Mr. WALSH. The Queen's Regulations says that no foreigner in any case is to be enlisted except as a mess attendant without the authority of the admiral or commander-in-chief of a station abroad, and under no consideration for continuous service.

Mr. HILBORN. How is it in the Army of the United States?

Mr. WALSH. Formerly it was similar to the Navy, but since they have offered opportunities to the enlisted force to obtain commissions it has improved greatly. A great many more Americans—

Mr. HILBORN. We do not enlist any men now but Americans, do we?

Mr. WALSH. I am uncertain on that point.

Mr. HILBORN. General Curtis told me that he had got a bill through shutting off the enlistment of foreigners?

Mr. WALSH. That is probably so.

Mr. HILBORN. I did not know it before, but he said that the effect had been magical.

Mr. FOSS. How does the pay of our warrant officers compare to the pay of those in the English navy?

Mr. WALSH. We get more pay——

Mr. FOSS. How much more?

Mr. WALSH. Yet we do not get as much in proportion to the lieutenant's pay as similar officers do in the English navy. He gets more pay in proportion to the English lieutenants than we do in proportion to the American lieutenant.

Mr. FOSS. How do you compare between the two—warrant officers in our Navy and in their navy?

Mr. WALSH. We get some more.

Mr. FOSS. How much more?

Mr. WALSH. You cannot figure that out thoroughly, because an English warrant officer as long in the service as I am would get \$1,200——

Mr. FOSS. And you are getting how much?

Mr. WALSH. \$1,600. And then in addition to that he gets command money, and in addition to that he gets commutation for quarters when he is on shore. If he passes in navigation, he gets a navigation allowance. If he passes a torpedo-school examination, he also gets an allowance for that.

The CHAIRMAN (Mr. Boutelle). He gets command money?

Mr. WALSH. Yes, sir.

The CHAIRMAN. How much?

Mr. WALSH. Forty-five pounds.

The CHAIRMAN. Oh, you are talking about the English navy.

Mr. WALSH. If he shows special aptitude and qualifies in other branches of the service, or even as an interpreter, he gets extra pay for that, so some of that runs up pretty close to our pay. I have the proportion figured out here. The lieutenant is the same way—about the same. The English lieutenant and the English warrant officer get the opportunities for obtaining the increases. I have the duties of the warrant officers here which I would like to embody in my remarks without reading them.

Mr. HILBORN. I understand you to say that you get a little more than the warrant officer in the English navy, but relatively to the lieutenants you do not get as much as they?

Mr. WALSH. No, sir; not as much by several hundred dollars at different periods.

Mr. FOSS. What is the next grade below that of warrant officer?

Mr. WALSH. Chief petty officer. That is, for instance, the next grade to below me would be gunner's mate.

Mr. FOSS. And below that?

Mr. WALSH. Gunner's mate, first class; gunner's mate, second class; gunner's mate, third class; seaman, ordinary seaman, apprentice boy, and landsman.

Mr. HILBORN. What is our experience with these foreigners in our Navy. Are they loyal to the Government?

Mr. WALSH. Well, it is hard to say. In some cases they are and in some cases they are not. In all ships I have been on, and others that I have heard of, when you come to a time when you are likely to have a pinch they can not be relied on. In the case of the *Brooklyn*, a chief quartermaster, who was a Spaniard, was found writing long letters home to Spain. He lived in Spain. He had a family there, and lived there when he had his leave. He was writing long and frequent letters to Spain. The captain thought it would be better to get him out of the

ship. And, though the man might have been done an injury, yet he was an uncertain quantity, occupying a responsible position.

Mr. FOSS. Who appoints the petty officers?

Mr. WALSH. The captain of the ship recommends them. The Department now gives permanent appointments. When I first came into the service in the Navy nearly every petty officer was a foreigner—an Englishman or a German, or some other foreigner, and in some cases they could not talk the language sufficiently well to give orders intelligently.

Mr. FOSS. Can the enlisted man step from his grade to that of warrant officer, or must he go up through the petty officer's grade?

Mr. WALSH. The apprentice system gets the preference, but before any enlisted man can get the position of warrant officer he has to serve usually as a petty officer.

Mr. FOSS. But not through the whole line of petty officers?

Mr. WALSH. Not necessarily; but most of the gunners and boatswains do. About 70 per cent of the present warrant officers have done so.

Mr. FOSS. But you say that is left to the discretion——

Mr. WALSH. The President can appoint as many as he may deem necessary. The Navy Department officers fix the qualifications. Some officers say that we do not possess the qualifications necessary to become commissioned officers. That is not really so, because we have independent duties now often performed by commissioned officers. The law allows us to take charge of stores on foreign stations—hundreds of thousands of dollars worth of property is in our charge. We frequently do the work of commissioned officers. Still further the qualifications are fixed by the commissioned officers, and we have to pass the standard which they decide.

Mr. FOSS. Do you have to pass any examinations?

Mr. WALSH. Oh, yes, sir; we have to pass examination to get in.

Mr. FOSS. Is there any age limit at which you can become a petty officer?

Mr. WALSH. Not a petty officer, but a warrant officer there is. You can not become a warrant officer after 35 years of age—between 21 years and 35 years; usually nearer 30 than any other. In many cases warrant officers have a good deal more sea service than captains, but our sea service as enlisted men does not count in the naval register, but the practice cruise of a cadet does. I would like to embody some facts here in my remarks.

Mr. FOSS. There is no objection.

[Senate Doc. No. 160, Fifty-fifth Congress, second session.]

WARRANT OFFICERS, UNITED STATES NAVY.

FEBRUARY 25, 1898.—Referred to the Committee on Naval Affairs, to accompany S. 3674, and ordered to be printed.

MR. HALE PRESENTED THE FOLLOWING LETTER FROM THE SECRETARY OF THE NAVY, TRANSMITTING AN APPEAL SUBMITTED BY GUNNER WILLIAM WALSH, UNITED STATES NAVY, ON BEHALF OF THE WARRANT OFFICERS OF THE UNITED STATES NAVY.

NAVY DEPARTMENT,
Washington, February 14, 1898.

SIR: Pursuant to the request of Gunner William Walsh, United States Navy, I forward herewith an appeal submitted by him "on behalf of the warrant officers of the United States Navy."

Very respectfully,

JOHN D. LONG, *Secretary.*

HON. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

FEBRUARY 1, 1898.

To the Congress of the United States:

The warrant officers of the United States Navy respectfully appeal to your honorable body for the enactment of the following legislation:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That boatwains, gunners, carpenters, and sailmakers shall, after ten years from date of warrant, be commissioned chief boatswains, chief gunners, chief carpenters, and chief sailmakers, to rank with, but after, ensign: Provided, That the chief boatswains, chief gunners, chief carpenters, and chief sailmakers shall, on promotion, have the same pay and allowance as that now allowed to a second lieutenant of the Army: Provided further, That the pay of boatswains, gunners, carpenters, and sailmakers be the same as that now allowed by law: Provided also, That nothing in this act shall give additional rights to quarters on board ship, or to command."

(1) The enactment of this proposed legislation would place it in the power of enlisted men to rise to the rank of commissioned officers when their abilities entitled them to such advancement, as in the Army.

(2) It would remove a disability which now exists only in this particular department of the Government.

(3) It would remove a cause of discontent among the enlisted men of the service and create a patriotic crew, the benefits of which in time of battle can not be estimated.

(4) It would stimulate the enlistment of trained apprentices of American origin, and thus discourage the introduction of many foreigners, who have not the good of the service at heart.

(5) It would not only stimulate a corps of efficient and worthy officers, but would offer opportunities, the beneficial influence of which would be felt to the lowest ranks in the service.

(6) It would place a commission within reach of a boy who has not the opportunity or the influence to get an appointment to the Naval Academy, without in any manner disparaging or conflicting with the duties of other officers.

Herewith are the facts in the case.

Very respectfully,

WILLIAM WALSH,
Gunner, United States Navy.

AN APPEAL ON BEHALF OF THE WARRANT OFFICERS OF THE UNITED STATES NAVY TO THE CONGRESS OF THE UNITED STATES.

The United States Navy is the only department of the United States Government in which men or boys from the lower ranks can not obtain promotion to the higher grades, even though their abilities and value to the country may fully entitle them to such advancement. This disability causes a discontent in the service, and to it may be largely attributed the loss of trained apprentices of American origin and the introduction into the service of many foreigners, who have not the good of the service or the love of country at heart.

As will be seen by reading this appeal, the warrant officers seek to have opened opportunities which will not only stimulate a corps of officers, but of which the beneficial influence will be felt to the lowest ranks in the service, without in any manner disparaging or conflicting with the duties of other officers, and by which a commission will not be out of the reach of a boy who has not the opportunities or the influence to get an appointment to the Naval Academy.

That it is a matter of great importance to have the Navy manned by Americans who have the interests of the Navy and of their country at heart can not be questioned. To this end, great efforts are being made by the Navy Department; and in time of battle the benefits of a patriotic crew can not be overestimated.

This is recognized by the officers of the Navy, and an instance is here quoted. Page 170, Proceedings of the United States Naval Institute, Volume XXII, Commander W. M. Folger, says:

"No war was ever successfully fought out, but few battles have been won, with a mercenary force, and to a very large extent our enlisted men are pure mercenaries. There were twenty-four different nationalities represented in the last vessel which I commanded, a 1,700-ton gunboat, and I confess to a feeling of anxiety as regarded the possession by the crew of any national American sentiment or feeling. The best marksmen were foreign born, and the vessel stood well in the department records of target firing, but had the target been a Scandinavian enemy I should have anticipated wild shooting.

"I think that many officers will agree with me that a visit to an English war vessel leaves one pronounced impression. It is a profound admiration for the big, ruddy-faced, bull-dog-looking crew, homogeneous throughout—English, Irish, or Scotch—but all Queen's men to a man; all curiously of an age or size, all marvelously well

drilled and disciplined. Such fellows are and always have been capable of a national idea and of fighting for it—fighting to win; and without such men behind the gun fine ships, fine guns, and fine officers are of precious little use. We find little to envy in foreign material nowadays, and in intelligence at least our commissioned personnel is fairly presentable, but we are deplorably deficient as regards a definite percentage of our enlisted force.

"I would like to see the Navy Department make the attempt to fill the enlistment vacancies with none but American born * * * I would indeed prefer to send our ships out half manned with Americans, and trust to patriotism filling them up when war comes, than to follow the present system of gratuitous education to a lot of foreign mercenaries.

"The American, while in one sense independent in his bearing and as good as his master, as befits his heritage, is perfectly amenable to discipline, far more so as a rule than our enlisted foreigners."

That the presence of many foreigners is a decided disadvantage, and is so recognized, may be seen by the statement below, taken from an English publication:

"The roll call of any American man-of-war shows that the crew is of a cosmopolitan character. When the *Chicago* was in our waters her crew consisted of Englishmen, Danes, Swedes, Dutchmen, Germans, Spaniards, Frenchmen, Russians, and negroes, besides native-born Americans, numbering, perhaps, one-fourth of the ship's crew. There are many 'Britishers' in both the United States Navy and mercantile marine, and it is not credible that the majority of them would serve against their own country. In estimating, therefore, the efficiency of the American war vessels, considerable allowance must be made for this."

Compare the above with this paragraph, taken from the Queen's Regulations, 1887, paragraph 329, on page 93:

"No foreigners are, except as bandsmen and officers' servants, to be entered without the sanction of the admiralty at home or commander in chief abroad; and under no circumstances for continuous service."

That this condition is mainly due to the lack of encouragement can not be overlooked, and on investigating the subject, the chairman from the Committee on Naval Affairs, Senator Butler, submitted the following report, January 10, 1895:

* * * "It is believed that further inducements and rewards should be established for the warrant officers and enlisted men.

"Much can and should be done to improve the status of enlisted men of the Navy.

"Under the present system the service offers few, if any, rewards for them. They are its bone and sinew, and yet the opportunities for advancement are more difficult than exist under many of the monarchical governments of the Old World.

"However high may be his qualifications, however great his zeal and worth, even though he may possess and have acquired all of the attributes essential for an officer's duties, a commission is denied him. A petty officer's badge, or at most the warrant of a gunner, is the extreme limit of his preferment."

In the bill submitted in this appeal to remedy this evil the opportunity to go to the highest rank is not proposed; and while this opening could and would be of great benefit to the service, yet the opportunities would necessarily be so limited that it is thought that greater benefit to the entire service would be obtained by enacting legislation requested in this appeal.

Following is a brief résumé of the history of warrant officers and a comparison with the warrant officers of other navies:

HISTORY OF THE WARRANT OFFICERS.

The warrant officers have been a part of the United States Navy since its earliest history. On June 6, 1776, a law was passed governing the distribution of prize money. In this distribution, lieutenant of marines, surgeons, chaplains, pursers, boatswains, gunners, and carpenters shared together, midshipmen sharing with petty officers. By an act approved March 27, 1794, to provide a naval armament, lieutenants were the lowest commissioned rank, and warrant officers consisted of sailing masters, pursers, boatswains, gunner, sailmaker, carpenter, and midshipman, the warrant officers taking precedence and command after masters, thus making their position and standing in the Navy much higher than at the present time.

Again, in 1797, an act was passed, practically the same as above, and on March 2, 1779, an act for the government of the Navy became a law. Paragraph 11 of that act defines commissioned and warrant officers from petty and noncommissioned officers.

Similar laws were enacted April 23, 1800, section 6 of which relates to the distribution of prize money, and says:

"Lieutenants of marines, surgeons, pursers, boatswains, gunners, carpenters, etc., shall share together, midshipmen sharing with petty officers."

By an act of March 3, 1801, for a peace establishment, section 2, the only officers

retained on vessels laid up in ordinary were warrant officers; this was afterwards changed so that a captain was appointed to command the vessels laid up, and the number of warrant officers reduced. On April 21, 1806, the President was authorized to appoint for vessels in actual service "as many surgeons, surgeons' mates, sailing masters, chaplains, pursers, boatswains, gunners, sailmakers, and carpenters as may in his opinion be necessary and proper." By an act approved March 30, 1812, pursers became commissioned officers, but without any rank.

When the Navy was increased in 1813 the President was authorized to appoint as warrant officers masters, second masters, masters' mates, boatswains, gunners, carpenters, sailmakers, and midshipmen, a lieutenant being still the lowest commissioned rank.

By an act approved August 31, 1842, engineers were appointed to the Navy, the chief engineer being commissioned and the others warranted by the Secretary of the Navy, but they had no rank.

Warrant officers were authorized by an act approved June 17, 1844, to take charge of stores on foreign stations.

August 5, 1844, a law was enacted giving a relative rank to pursers and surgeons as high as commanders.

Later laws made commissioned officers of masters and engineers, showing that of all the grades who had been warrant officers only the boatswain, gunner, carpenter, and sailmaker are so to-day.

The old naval regulations always considered the boatswain and gunner in line of command.

In the Regulations of 1818, page 29, paragraph 4, it is stated:

"The order in which officers shall take precedence and command in the ships to which they belong is as follows: Captain, commander, lieutenants, masters, masters' mates if warranted, boatswain, gunner, carpenter, midshipmen."

The duties of the warrant officers are set forth in the same regulations, boatswain, gunner, carpenter, and sailmaker being held pecuniarily responsible for the stores placed in their charge.

The Regulations of 1841 say:

"Sea officers of the United States Navy shall take rank in the following order:

"*Commissioned officers.*—Admirals, vice-admirals, captains, commanders, lieutenants.

"*Warrant officers.*—Masters, second masters, passed midshipmen, masters' mates if warranted, boatswains, gunners, midshipmen, carpenters, and sailmakers."

The Regulations of 1865 did not give the warrant officers any place in line of precedence, but simply said that boatswains, gunners, and mates were considered by the usages of the service as line officers. This was corrected by circular April 30, 1866, which says:

"*Line officers.*—Midshipmen, who have finally graduated, shall rank next after ensigns; boatswains next after midshipmen who have finally graduated; gunners next after boatswains; midshipmen who have not finally graduated, next after gunners; mates next after midshipmen who have not finally graduated."

Later regulations again omitted warrant officers from line of precedence.

The act of August 3, 1862, chapter 42, section 23, Revised Statutes, sections 1448 and 1455, applies to warrant officers, and they may be retired the same as commissioned officers. The President's act in retiring a boatswain was legal and valid. (Op. Court Claims. v. 18, p. 537.)

July 2, 1864, Congress passed a law recognizing the justice of the claims of the warrant officers and granted an assimilated rank with ensigns and lieutenants, junior grade, but owing to the discretionary clause and opposition of commissioned officers it has never become operative.

The Regulations of 1893, article 16, page 9, say:

"The officers of the line of the Navy are as follows, and they shall take rank and exercise military command in the order mentioned: Rear-admiral, commodore, captain, commander, lieutenant-commander, lieutenant, lieutenant (junior grade), ensign, naval cadet, boatswain, gunner."

Surely a divine providence, or god of battles, watches over warrant officers with as much solicitude as the others, and though the captain would take his ship into action, is it not possible or even probable that it will devolve on the boatswain or gunner to take her out?

It requires, under present regulations, from seven to eleven years for a boy to become a warrant officer, and yet the anomaly is presented (in the order of rank laid down as above) of a cadet, possibly yet a boy—fresh from school—with only a few months' service at sea, without experience and with no authority of either a warrant or commission, taking command of a battle ship in an emergency or in the exigencies of a battle; and yet a boatswain or a gunner of many years experience is set aside.

The Army will not recognize the warrant officer of the Navy as an officer, and in acting in cooperation this might lead to conflict of authority, confusion, and possibly disaster. The same difficulty occurs from time to time with the Marine Corps.

Article 24, of articles governing the Navy, says:

"No commander shall inflict upon a commissioned or warrant officer any other punishment than private reprimand, suspension from arrest and confinement." * * *

To regulate the relative rank of warrant officers by classifying them with noncommissioned officers of the Army would be to degrade them to a person of inferior rating, as the remainder of the article above mentioned will show.

"Nor shall he cause to be inflicted on any petty officer, or person of inferior rating, etc." * * *

The highest noncommissioned officer in the Army and Marine Corps ranks with a chief petty officer in the Navy, and is a person of inferior rating, and it would be manifestly unjust to reduce the warrant officers to that position—a position which warrant officers held previous to their appointment.

Circular No. 1, 1893, Navy Department, classified the noncommissioned and petty officers.

[United States Navy Regulation Circular No. 1.]

NAVY DEPARTMENT,
Washington, D. C., March 13, 1893.

The following classification of petty officers and enlisted men in the Navy, and of the noncommissioned officers, musicians, and privates in the Marine Corps, is hereby adopted, to take effect on and after April 1, 1893:

Classification.

CHIEF PETTY OFFICERS.

Seaman branch.	Artificer branch.	Special branch.	Marines.
Chief masters-at-arms	Machinists	Yeomen	Sergeant-major.
Chief boatswain's mates	Chief carpenter's mates	Apothecaries	First sergeants in charge of guard.
Chief gunner's mates .....	.....	Bandmasters	
Chief quartermasters .....	.....	.....	

In the matter of commutation for quarters the warrant officers have previously been considered with the commissioned officers, as can be seen by reference to General Orders, No. 75, May 23, 1866:

* * * "Officers who are not provided with quarters on shore stations will be allowed a sum equal to 33½ per cent of their pay in lieu of all allowances." * * *

Midshipmen and mates did not receive this, but later its benefits were extended to mates.

Attention is called to the above laws and regulations to show that the warrant officers have always been considered an honorable part of the Navy and should receive in a small measure some of the benefits which have accrued to those who started as warrant officers in the early years of the Republic. Surely their duties have increased in the same proportion as other officers who have been advanced in rank and emoluments.

The position of enlisted men has been advanced and commissions have been granted to officers below the grade of lieutenant. The standing of a warrant officer has in this way been lowered, yet they are supposed to represent, now as in the past, the best material of the enlisted force, and their responsibilities have increased in like proportion in almost every case as much as that of other officers.

It has been said by officers that a man knew what the position was when he aspired to become a warrant officer. The same can be said of all other officers who sought and obtained the position of pursers, engineers, etc., warrant officers in the past, who have since been raised in rank and commissioned, and also at the present time of officers who seek more rapidity of promotion. Certainly it can not be expected that the perspicuity of an enlisted man seeking promotion should be so much greater than that of others.

REASONS WHY THE WARRANT OFFICERS SHOULD BE FAVORABLY CONSIDERED.

A young man of, say, 24 or 25 is promoted to a warrant officer in the Navy, and then he has not a single hope in life—in fact, may become a wooden man, knowing and doing just enough to keep clear of trouble. Beyond this he need not concern himself. Nothing to struggle for, nothing to look forward to, but to linger on for from thirty-five to forty-five years, until old Father Time shall bring the age to retire, and then not because he is fittest, but toughest.

In the Army a young man can rise to the highest rank.

It is sincerely trusted that Congress will give attention to the anomalous position of a warrant officer. As is pointed out, they are absolutely without hope of any kind. No matter what ability they may possess, advancement is impossible. Even should they distinguish themselves in battle or otherwise, they can receive no reward. Enlisted men (sec. 1407, Rev. Stat.) can be promoted to warrant officers for gallant conduct. Commissioned officers can be advanced (Rev. Stat., 1006, 1605, and 1606), but a warrant officer can not be advanced. Surely an enlisted man promoted for gallant conduct does not lose his daring in this respect; but never after, even though he perform acts of gallantry many times as great as that which obtained his promotion to warrant officer, he can receive no further reward. An advancement in members would not add to his dignity or to his emoluments.

A letter of thanks may, of course, be sent and gratefully received; but has not the time arrived, with the reorganization of our Navy, when this can be amplified? No reward for duty well performed. In no other walk of life throughout the land—in no other department of the public services, Army or civil service—all these have a chance, and a conscientious performance of duty, zeal, efficiency and obedience is bound to put a man on the ladder of promotion, but in the Navy the reward is none. "No hope for all who enter here" might well be adopted by the warrant officer corps. It is the tomb of ambition, the graveyard of hope, the sepulcher of zeal and energy; and no country's service will grow to its full degree of effectiveness where such pitiful starving of its subjects' ambition is imposed.

Nearly every person is now agreed that this country will be, to a very large extent, dependent on the Navy for protection in case of war. It follows, therefore, that the strength of the Navy, both in regard to personnel and material, is in a measure the strength of the nation, and the efficiency of the Navy must, to a great extent, depend on the personal capacity, valor, and experience of the officers and men of it. In all these qualifications the warrant officer may justly challenge comparison with the brethren in the commissioned ranks. In regard to capacity the very position he holds is a guaranty of it. They have, by diligence and perseverance, raised themselves from the lowest ranks, and in order to obtain promotion, passed an examination before a board of commissioned officers, often without a warrant officer, being also compelled after passing to present commendatory letters from their commanding officers after a year at sea. Surely, then, if any unworthy or unsuitable persons are appointed to this position, the warrant officers should not be charged with the responsibility. Why, then, should the warrant officers, after they have fitted themselves and passed the required examinations for that rank, not be allowed to rise still higher in the naval service? Surely they are as fully qualified to hold commissions as the rank and file of the Army, who are permitted to rise.

All that the warrant officers of the Navy ask for is opportunity. If they are not able to amply demonstrate their fitness for the small advancement sought, they have no right to aspire to it. But if they can, as it is believed to be the case, they undoubtedly have a grievance in not being permitted to attain it, which both justice and expedience imperatively demand should be redressed. Promotion by merit obtains in all other departments of the Government; why not in the Navy? Men of tried capacity and fitness should at least have a fair chance in this great fighting department of the Government.

However able and painstaking a warrant officer may be his career to all intents and purposes is closed as soon as he obtains this fatal step in promotion. A few years is sufficient in many cases to sour his spirit and grind him down to the established level. It would be a simple thing to remedy this, and it is believed that recognition such as the warrant officers ask at your hands would be of untold benefit not only to the warrant officers but to others aspiring to that position. The highest position to which our seamen may aspire deserves more generous treatment than it receives. That the warrant officers are appreciated by the older officers can readily be seen from the following extracts:

[From proceedings of the United States Naval Institute, Vol. XXII, p. 96; paper read by Lieutenant Fullam, U. S. N.]

"The warrant officers are entitled to consideration in the reorganization of the Navy. Standing between the grades of commissioned and petty officers, their relations to both are intimate and their duties are important. It is fortunate for the service that the Navy Department decided not to abolish boatswains, but to assign them to larger ships, where they are much needed. The boatswain came near being the first victim of the pernicious theory that seamanship is a lost art. It may be natural that those who are quite ignorant of the demands of man-o'-war routine should fail to appreciate the fact that sail is the shadow rather than the substance of seamanship. The Navy is suffering too much from such theories.

"In the event of war the warrant officers should necessarily play an important part. Their thorough acquaintance with naval material and repairs, their intimate knowledge of the men, and their experience in controlling them, would make the warrant

officers the most valuable of all the men who would be available to recruit the lower grades of commissioned officers. Their efficiency in such positions would surely be greater than that of men of higher social and intellectual standard who lack the practical knowledge, who have served but little afloat, or who have been out of the Navy for a considerable period.

"The line of the Navy can not be so well recruited from the beach as from the ship, from the landsmen as from the seamen, and it is high time that this fact should be recognized.

"It is more than likely, therefore, that with the great expansion of our Navy which a state of war would entail, the warrant officers, and perhaps some petty officers, of the regular Navy would receive commissions in the volunteer service, and that many of these men would return to their previous duties at the close of the war. * * *

"There should be not less than two gunners on board a first-class battle ship available for the all-around subordinate duties with the battery."

In discussing the above paper Capt. R. D. Evans says, page 119:

"Finally, I am sure from my experience in the ships of the new Navy that warrant officers, and plenty of them, are most necessary to efficiency; their number should be increased and the warrants given to apprentices as a reward for professional attainments."

Commander J. B. Coghlan, page 122, says:

"The whole history or record of the warrant officers in the service shows them to be a body of intelligent, worthy, able men of perfect loyalty and discipline. They respect themselves, and they have been respected by the service, both low and high. Something must be done to retain our highly trained and intelligent young men in the service, and how can this be better done than by promoting them to such important positions?"

Commander F. E. Chadwick, page 130, says:

"The boatswains and gunners should be largely increased in number; they would form a far better class from which to add to the number of deck officers in case of war than any body of men taken from without the service, whatever their provenance."

Lieut. H. S. Knapp says, page 140:

"The warrant officers are a particularly deserving class, and I should be glad to see their numbers greatly increased. The Navy still has a place for boatswains and carpenters, and the necessity for gunners was never so great as it is to-day. * * * Did numbers allow, warrant officers would be more useful on small ships than the same number of junior officers; on large ships they can scarcely be dispensed with."

Look through a space of forty years—a midshipman and a warrant officer; you will find him the same old warrant officer, while the midshipman has been promoted through all the higher ranks and is probably an admiral.

An American boy entering the naval service should begin to unlearn all the lessons of his earlier days, that he might look, aye, even to the Presidency of our great country. Just think of it; if the great Abraham Lincoln had, by accident, entered the Navy as a boy, he could have become but a warrant officer!

It does not require a great degree of perspicuity to see which class of men will be the most useful, the one having ambition smothered and hopes stifled, suffering the same discomforts of a sea life in a greater degree than other officers by reason of never being able to obtain the privileges that rank bestows as the warrant officers at present, or a set of men having something held out in the way of a stimulus and an honorable ending to a life devoted to their country.

Why not improve the conditions, giving him something which will stimulate his ambition and make him interested in his profession, not going about his duties mechanically, like a mere automaton, loyal still with the hands, but the heart no longer sharing the task?

The warrant officers are, as a rule, men who, after having served terms of enlistment or apprenticeship, have, by reason of superior merit, rectitude of conduct, and conspicuous faithfulness in the discharge of every duty, been promoted from grade to grade until they have reached their present position, which, under the present régime, is as high, both in matters of rank and of pay, as they can ever hope to obtain.

Attention is also invited to some statements made before the joint subcommittee of Congress investigating the subject. Page 264 is a statement that the warrant officers' salaries aggregate \$1,400,104, which was about seven times the actual amount at that time.

Reference is made to the testimony taken before the joint committee, at page 52, testimony of Captain Sampson, wherein he says: "It is a long pull to go twenty years without promotion." Several other officers in their testimony refer to the fact as affecting the line and staff officers, but a warrant officer goes all his life without promotion.

Admiral Ramsey says (Personnel of the Navy Line, p. 191): "Rank adds dignity to position, and it is frequently very necessary for the efficiency of the service."

All through the testimony of commissioned officers will be found the complaint and statement that if there were not something for an American to look forward to, by way of promotion and added dignity, as a reward for faithful and long-continued service, the zeal of officers would degenerate and the stimulus to worthy and gallant action be taken from them. Such a condition can only result disadvantageously to the service, as a discontented service is not an efficient service.

The question may be asked whether it is not possible and politic to increase the popularity of the Navy by granting further opportunities for the warrant officers and enlisted men.

Surely the fact that a man has served as an enlisted man in the Navy should not be against his advancement to a higher office. The world does not think the less of Abraham Lincoln because he split rails, or of James A. Garfield because he drove mules on a canal.

Two boys join the Navy the same day. One, who is fortunate, gets a Congressional appointment to the Naval Academy; the other, who is not so fortunate, enters as an apprentice. Is it not presumption to assume, or to venture to predict, that only one of them is born to command? Who can judge what sort of a man a boy of 14 will make? We hear occasionally of prodigies, but as a rule the faculties of the best men the country has produced were not developed at so early an age.

The following is a comparison of the status of the warrant officers of the United States Navy with that of the warrant officers of some other navies:

ENGLISH NAVY.

[Extracts from Queen's Regulations, 1887.]

Paragraph 127 (p. 31): The military branch comprised of the undermentioned officers shall rank (and, with the exceptions hereinafter mentioned, command also) in the following order:

*	*	*	*	*	*	*	*
10. Lieutenants.				15. Gunners.			
11. Navigating lieutenants.				16. Boatswains.			
12. Sublieutenants.				17. Midshipmen.			
13. Chief gunners.				18. Naval cadets.			
14. Chief boatswains.							

Paragraph 132 (p. 32): A ship must always be represented by an officer of the military branch in the following order of command:

*	*	*	*	*	*	*	*
6. Navigating lieutenant.				10. Gunner.			
7. Sublieutenant.				11. Boatswain.			
8. Chief gunner.				12. Midshipman.			
9. Chief boatswain.				13. Naval cadet.			

Paragraph 136 (lines on p. 36):

- 30. Chief carpenter, to rank with, but after, sublieutenant.
- 31. Carpenter, to rank with, but after, gunner and boatswain.

Paragraph 187 (p. 45): Midshipmen shall take command, according to seniority, after boatswains, and naval cadets after midshipmen. They shall respectively rank as laid down in article 127, and if two or more are of the same standing, they shall take rank and command according to the order of their names on the list of officers of the Navy.

Paragraph 189 (extract from p. 45, and lines 13, 14, and 15, on p. 47): The relative rank of officers of the Navy with each other and with officers of the Army shall be as laid down in the following table:

	Navy.	Army.
13. Assistant engineers.....		Lieutenants.
14.	Chief gunners, boatswains, and carpenters with, but after, sublieutenants.	Second lieutenants.
	Gunners, boatswains, and carpenters.	Conductors of supplies; conductors of stores; master gunners (first class), but senior of these ranks.

Paragraph 193 (p. 49, part): Officers shall be promoted or nominated, in the first instance, as the case may be, to the undermentioned ranks by commission.

MILITARY BRANCH—COMMISSIONED OFFICERS.

* * * * *

Lieutenant.
 Navigating lieutenant.
 Sublieutenant.

* * * * *

Chief gunner.
 Chief boatswain.

Paragraph 252 (p. 64): Chief and other gunners, boatswains, and carpenters, of exemplary conduct, who may distinguish themselves by acts of gallantry and daring in the service, shall be considered eligible to hold commissions in Her Majesty's fleet, in such other rank or position as the Admiralty may deem them, after undergoing an examination, worthy to receive and competent to fill.

In France, Germany, and Italy a certain proportion of commissions as officers of the line are open to this class, and men who have served enlistments have reached flag rank in the French navy.

In France, Germany, Italy, and Austria commissions in certain staff corps are confined entirely to candidates from the ranks of warrant officers.

In the recent reorganization of the Japanese navy, the warrant officers rank with ensign, and on special recommendation with second lieutenant.

Surely the proposition will not be advanced that with the freedom of schools and institutions of this country the American youth can not be trusted with a commission, or that he is inferior in intellect, love of country, or patriotic devotion to his country to an Englishman, an Italian, or a Japanese.

Another thing, the foreigners we get in the Navy are not those who by making a home in our country, living amongst our people, become acquainted with our institutions, and gradually become assimilated; but they are men as a rule who come or are found in the capacity of beach combers, or deserters from foreign navies; and instances are not wanting where some of them have had to be kept on board ship when in English ports to punish them for villifying the flag under which they served when meeting their former associates of the English navy.

Again, in the old times, sentries posted at certain places kept men at their stations in battle. In modern ships, where everybody is more or less isolated and shut up in compartments, and in battle, when the command of one or more guns would be likely to devolve on an enlisted man, who would do his best, the man who was fighting for the flag he loved or the man who came into the service for what he could get out of it? It does not require a prophet to answer.

In order to correct a statement made by Lieut. J. C. Colwell, U. S. N., before a joint subcommittee of Congress (p. 163, Personnel of the Navy Line), that foreign warrant officers were paid relatively less than American warrant officers, the following comparison of pay is made:

The English navy is the only one that can be justly compared with the American in this respect. The rate of pay is taken from the English navy list, 1896.

The pay of an English lieutenant, on promotion, is £182 10s., or about \$913.

The pay of an English warrant officer, on promotion to that grade, £100 7s. 6d., or about \$500.

The pay of an American lieutenant, on promotion, is, on shore, \$2,000; at sea, \$2,400.

The pay of an American warrant officer is, on shore, \$900; at sea, \$1,200.

Then in proportion as the pay of an English lieutenant (\$913) is to the pay of an English warrant officer (\$500), so would the pay of an American lieutenant (\$2,000) be to what an American warrant officer's pay should be, or \$1,095. This is \$195 more than the American warrant officer receives.

At sea we have—

English lieutenant.		English warrant officer.		American lieutenant.		American warrant officer.
\$913	:	\$500	::	\$2,400	:	\$1,314

or \$114 more than the American warrant officer receives.

Continuing, we have, after five years—

English lieutenant.		English warrant officer.		American lieutenant.		American warrant officer.
\$913	:	\$640	::	\$2,200	:	\$1,542

or \$602 more per year than the warrant officer receives on shore. At sea, for this period, we have—

English lieutenant.		English warrant officer.		American lieutenant.		American warrant officer.
\$913	:	\$640	::	\$2,600	:	\$1,822

or \$582 more than the American warrant office receives.

After ten years we have—

English lieutenant. \$1,095	:	English warrant officer. \$730	::	American lieutenant. \$2,200	:	American warrant officer. \$1,466
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or \$226 more than the American warrant officer receives.

At sea—

English lieutenant. \$1,095	:	English warrant officer. \$730	::	American lieutenant. \$2,600	:	American warrant officer. \$1,824
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or \$404 more than the American warrant officer receives.

After fifteen years, on shore—

English lieutenant. \$1,278	:	English warrant officer. \$820	::	American lieutenant. \$2,200	:	American warrant officer. \$1,411
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or \$69 per annum less than the American warrant officer receives.

At sea—

English lieutenant. \$1,278	:	English warrant officer. \$820	::	American lieutenant. \$2,600	:	American warrant officer. \$1,668
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or \$52 less than the American warrant officer receives.

After twenty years, on shore—

English lieutenant. \$1,278	:	English warrant officer. \$913	::	American lieutenant. \$2,200	:	American warrant officer. \$1,578
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or \$22 less than the American warrant officer receives.

At sea—

English lieutenant. \$1,278	:	English warrant officer. \$913	::	American lieutenant. \$2,600	:	American warrant officer. \$1,856
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or \$56 more than the American warrant officer receives.

The highest that can be reached is:

On shore—

English lieutenant. \$1,278	:	English warrant officer. \$1,095	::	American lieutenant. \$2,200	:	American warrant officer. \$1,963
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or \$363 more than the American warrant officer receives.

At sea—

English lieutenant. \$1,278	:	English warrant officer. \$1,095	::	American lieutenant. \$2,600	:	American warrant officer. \$2,219
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or \$419 more than the American warrant officer receives.

It will be seen by the foregoing that at only two points does the American warrant officer receive pay proportionate to a lieutenant's.

Opportunities are presented for obtaining increased compensation in the English service, such as command money, navigation allowances, etc., which are at least as great for the English warrant officer as for an English lieutenant, as will be seen by the following pay table, a copy of which is below.

The average pay for five years is taken for the American warrant officer's pay, and fractions of dollars are omitted.

Full pay of the royal navy.

Rank.	Year of 365 days.			One day.		
	£	s.	d.	£	s.	d.
Chief gunner, chief boatswain, and chief carpenter:						
On promotion.....	182	10	0	0	10	0
After 2 years' service.....	191	12	6	0	10	6
After 4 years' service.....	200	15	0	0	11	0
After 6 years' service.....	200	17	6	0	11	6
After 8 years' service.....	219	0	0	0	12	0
Gunner, boatswain, and carpenter:						
On promotion.....	100	7	6	0	5	6
After 5 years' service.....	127	15	0	0	7	0
After 10 years' service.....	146	0	0	0	8	0
After 15 years' service.....	164	5	0	0	9	0
Warrant officers, appointed for gunnery, torpedo, or signal duties:						
Officers holding first-class certificate.....	27	7	6	0	1	6
Officers holding second-class certificate.....	18	5	0	0	1	0
Command money to warrant officers when in command of a ship or torpedo boat.....	36	10	0	0	2	0
Chief or other boatswain or carpenter when instructor in training ship or in any other ship under the special authority of the Admiralty.....	9	2	6	0	0	6
Gunners, when performing gunnery-lieutenant's duties in any one of Her Majesty's ships, when is allowed a gunnery-lieutenant and during the period in which such officer is not borne on the ship's books.....	18	5	0	0	1	0
Tool money to carpenters and to chief carpenters, except when borne for disposal in the reserve and guard ships at home.....	4	11	3	0	0	3
Navigating allowance to warrant officers:						
In a vessel in which command money is—						
3s. 9d. a day.....	45	12	6	0	2	6
2s. 6d. a day.....	36	10	0	0	2	0
2s. 0d. a day.....	27	7	6	0	1	6
Lieutenants—						
Under 8 years' seniority.....	182	10	0	0	10	0
Of 8 years' seniority and 6 years' service, of which 3 have been in a ship of war at sea.....	219	0	0	0	12	0
Of 12 years' seniority and 9 years' service, of which 6 have been in a ship of war at sea.....	255	10	0	0	14	0
Lieutenants in the independent command of any ship or in command of any tender—						
Under 8 years' seniority.....	200	15	0	0	11	0
Of 8 years' seniority under above conditions as to service.....	237	5	0	0	13	0
Of 12 years' seniority under above conditions as to service.....	273	15	0	0	15	0
Lieutenant's command money in addition to full pay:						
When in independent command of any ship or in command of any tender to a sea going ship.....	68	8	9	0	3	9
When in command of any tender to a harbor or first reserve ship.....	45	12	6	0	2	6
Allowances to lieutenants in addition to full pay:						
Senior of a rated ship or of a troop ship not allowed a commander....	45	12	6	0	2	6
Senior of a rated ship allowed a commander.....	27	7	6	0	1	6
Senior of a ship commanded by a commander.....	27	7	6	0	1	6
For gunnery duties—						
First class.....	63	17	6	0	3	6
Second class.....	45	12	6	0	2	6
Third class.....	27	7	6	0	1	6
For torpedo duties—						
First class.....	63	17	6	0	3	6
Second class.....	45	12	6	0	2	6
Third class.....	27	7	6	0	1	6
For navigating duties.....	45	12	6	0	2	6
For navigating duties if of 5 years' seniority.....	54	15	0	0	3	0
For navigating duties if passed for first-class ships for pilotage, without regard to seniority.....	73	0	0	0	4	0
For navigating duties when appointed to a flagship, in addition to navigating allowance, but subject to any conditions that the admiralty may lay down. Flag allowance.....	54	15	0	0	3	0
Lieutenants who obtain first-class certificates in gunnery or torpedo, at the completion of the short course, if on the admiralty list for appointment to ships not carrying a lieutenant for gunnery or torpedo duties, when so appointed.....	18	5	0	0	1	0

ASSIGNMENT OF QUARTERS AT NAVY-YARDS.

Formerly the warrant officers were considered equally with other officers in the assignment of quarters at navy-yards.

A circular was issued July 20, 1865, making assignments to quarters at navy-yards. This circular was amended four days later by another, as follows:

[Circular.]

JULY 24, 1865.

The circular of the Department issued on the 20th instant, relative to quarters in navy-yards, is hereby amended as follows: Warrant officers and masters not in the line of promotion attached to navy-yards for yard duty will occupy the quarters heretofore assigned to such officers.

GIDEON WELLES, *Secretary of the Navy.*

February 21, 1872, a circular was issued by the Navy Department, making new assignments. On April 1, 1872, an additional circular was issued, and from that time the warrant officers have been gradually ousted from quarters at nearly every yard, the quarters so vacated being occupied by commissioned officers from the rank of ensign up.

The gunners, under the law (sec. 1416, Rev. Stat.), are stationed at most of the magazines, although some have been occupied by commissioned officers, and when so occupied the gunner attached to the yard performed the duties required in putting up ammunition, etc., so that at the present time there are about six warrant officers occupying quarters at all the navy-yards in the country.

Respectfully,

WILLIAM WALSH,
Gunner, United States Navy.

EXTRACTS FROM A PAPER ON AMERICAN TRAINING SHIPS, ETC., BY CAPT. S. B. LUCE, U. S. N., FROM THE UNITED SERVICE, 1879.

UNITED STATES TRAINING SHIPS.

"Ici on parle Anglais." This notice, so frequently seen in the shop windows of Paris, was not very long ago placarded in the starboard gangway of one of the ships of our Mediterranean squadron: "English spoken here." The few American sailors who belonged to that ship had good reason to give such a notice a conspicuous place, for in walking along her decks one might hear French, German, Spanish, Italian, the mongrel Mahonese, the native Irish, and occasionally Chinese, all spoken with equal fluency by some one or more of the ship's company.

The jest had at least the merit of a good point, and that point was a severe commentary on the character of the crews we have been for years employing to maintain the honor and integrity of the American flag on the ocean. A careful count of all the sailors of the Mediterranean squadron, made about the time of the above notice, showed that thirty-five countries were represented by them, and that considerably less than one-half were American born.

These facts being pressed upon the attention of the United States Government, steps were taken to enlist boys with a view to training them up for the Navy, so that we might have our petty officers and leading seamen, at least, native born. There were other considerations which doubtless had full weight in inducing the Government to adopt this measure.

The many and altogether novel devices of modern naval warfare require for their manipulation a higher order of seamen than in former times. To load and fire the old 18-pounder, mounted on a four-truck wooden carriage, was the highest achievement as a gunner that the sailor of 1812 was required to reach. He was not so foolish as to depend on a lock string merely; he had besides a trustworthy match, which he used according to the following formula: "Handle your match and locks tring! Cock your lock! Blow your match! Watch the weather roll! Stand by; fire!" And if he hit anywhere about the broadside of a lofty frigate, or cut away any of her spars or rigging, he was lucky indeed. He was withal a good topman, for did his own masts or rigging suffer, he left his gun for the nonce, repaired damages, and resumed his fighting with increased ardor.

Of the modern man-of-war's man a far more extensive range of duties is required. Machinery now forms such an important element in nearly all implements of naval warfare that the sailor of to-day must be something of a mechanic. The revolving turret of the monitor, the method of working the 15-inch gun, the heavy breech-loading rifle guns, the Gatling boat guns and magazine guns, all require carefully

trained men for their proper handling. With these and similar "arms of precision" it is expected that the vulnerable parts of an enemy's ship will be speedily reached and the battle proportionally shortened.

Modern man-of-war's men, moreover, are expected to be tolerably fair infantrymen. Armed with breech-loading rifles, they should be able to land, form under cover of their ship, and march to meet an enemy according to the rules laid down in infantry tactics. To pass through the "school of the soldier," thence through the company drill to the "school of the battalion," required much patient drilling and frequent opportunities for landing; for, after a certain familiarity with the simpler movements has been attained, such drilling can not be continued on the deck of a ship.

Nor is this all. The torpedo has become a recognized weapon of warfare, and as our officers are carefully instructed in the use of that terrible agent, it is manifest that the sailors, or at least a certain proportion of them, should also be instructed in their handling, for the officers will often require the aid of intelligent labor in the operations of torpedo warfare. For this reason, and for the reasons that the bottoms of our ships require to be occasionally examined, the propeller cleared of ropes or other obstructions, etc., it becomes necessary that all our large ships, or at least every flagship of a squadron, should have one or more expert divers. Hence a corps of divers for the Navy has become a necessity of the times, and these divers, besides being trained as seamen, should be trained also for submarine warfare.

EXTRACTS RELATING TO THE TRAINING AND PROMOTION OF ENLISTED MEN AND BOYS.

[Proceedings of the Naval Institute, vol. 1, p. 2, by Rear-Admiral L. B. Luce, U. S. N.]

The breaking out of the Crimean war revealed the interesting fact, until then not generally known, the splendid organization and discipline of the French navy and the low state of the English seamen.

Following promptly on the opening of hostilities, the French squadron put to sea in the highest state of efficiency; with large bodies of troops and all the various munitions of war were transported to their destination with an alacrity and order which filled with dismay the ever-watchful neighbors across the channel, while numbers of the finest line-of-battle ships of the English fleet swung at their anchor in helpless inactivity, waiting for men; the English, relying on their ancient prestige, had been content. * * *

The result was the appointment of a committee, which was instructed to examine into and report on the whole subject of manning the Navy. The investigation seems to have been very full, and the report was very elaborate. Among other recommendations, it was stated emphatically that the gradual organization of a permanent Navy must principally depend upon the supply of trained boys, and that at least five vessels should be selected at the different ports, forming, as it were, so many marine schools. It was not long before it dawned on the public mind that this kind of technical education for lads answered admirably well for the Navy; and this, I think, sufficiently accounts for the splendid body of native-born seamen which now mans the British fleet.

The question of fitting out a fleet is not a mere question of finances. Money can always be raised, and money will produce any number of craft; but money will not make sailors. Gold will not make a disciplined crew nor an experienced staff of officers; and of what use are ships without a living soul to command and the ready hands to obey? * * *

Our uneducated seamen will stand no chance against the trained gunners of England and France. * * *

Engaged in a naval war, by whom are our fine ships to be manned? The model officer, with his high culture and careful training, whom is he to lead on the day of battle? And after all searching of the arts and sciences and the racking of brains and exhaustion of inventive faculties of the country that we may have the very best guns, mounted on the most perfect carriage and loaded with the most destructive shell, who is to reap the rich harvest, and in one supreme moment utilize these rare contributions of brains, time, and money? Is it not the man who points the gun and pulls the lock string? * * *

We need for our ships the thorough seaman, with his characteristic devotion to the flag of his country, his contempt of danger, his love of adventure, combined with the carefully trained naval gunner, and the prejudices of many of our officers to the contrary. We may look to our seamen of the future for yet higher qualities. * * *

If it was indignantly declared in Congress a disgrace to the country to have ships flying the national colors made of foreign bunting, what will be said of the fact that the greater part of the men who man our naval guns are foreigners? It must be

admitted, too, that some of these claiming to be and perhaps are Americans are utterly useless for any good purpose on board ship; and yet will I yield to no one in my high appreciation of the true American seaman, when found, as he still may be, in our service, though in a deplorably small minority; he is one to be proud of and to respect; prompt and fearless, fertile in resources, patient, even cheerful, under adversity, of wonderful endurance, intelligent and self-reliant, and with an unflinching, uncompromising fidelity to his flag. Take him all in all, I maintain our true Yankee sailor has not his equal in the world.

EXTRACTS FROM PAPER ON EDUCATION OF SEAMEN, BY CAPT. A. D. BROWN, U. S. N.

[Naval Institute, page 305, Vol. V.]

The training system, which is now under full headway, is a most happy means to evolve the special education of the man-of-war's man, and upon all sides are heard encomiums of the commanding officers who have been lucky enough to have any of the apprentices on board.

Vol. V, page 337, Capt. C. F. Goodrich says:

A long-continued and unsuccessful attempt to secure the proper elements of a crew in the open market of the world's sailors has shown conclusively that, to get what the service needs, the service must take American boys at an early age and train them after its own pattern. * * *

The fault which has shipwrecked former systems was a tendency to give boys more book learning than necessary. The purpose of a training ship is to teach boys to be man-of-war's-men—nothing more and nothing less. They are not schools of English literature or universal history, nor are they schools at all, strictly speaking. * * *

From this point of view, anything and everything which tends to raise them above their calling, to make them dissatisfied with it, or to impair their usefulness, is bad.

Time is too short to waste in the discussion of book learning the apprentice ought to receive. Every one is agreed on the three "R's." My own convictions, however, are strongly against any instruction whatever beyond the barest elements. I do not say that the apprentice will not be a better man for the possession of greater knowledge, but I do say that the Navy will, in nine out of ten cases, lose his services.

Speaking of the apprentice, he says: "The average apprentice is wedded to his pristine dirtiness."

Ensign Ackermann says, vol. 16, Proceedings Naval Institute, page 421:

"As a large increase in the number of warrant officers is needed to properly carry on the duties of the work of construction of the new Navy, they should, if of a certain age and experience and have attained practical excellence in any branch, be given a commission and assigned to special duty. In this way the apprentice boy could be led to feel that with hard work he could keep mounting all his life."

He further says: "Everything should be done to break the widening gap between officers and men, and the petty officers should be relieved to a certain extent from the many galling surveillances to which enlisted men are subjected."

Vol. 16, Proceedings of the Naval Institute, page 413—A discussion on naval training. Lieut. E. B. Barry says:

"The reasons why apprentices do not return to the service is to be sought, not in seamanship, but in crews. Put a lot of apprentices aboard an American ship with an American crew and they usually will be content. But our Navy is not the place for American boys. Our officers say openly they prefer Scandinavians, as the Admiral (Luce) himself hints, and American boys soon see their country's service has no place for them. As a consequence, few of the best boys reenlist except for the benefit of the gunnery class, and many desert, disgusted, before their term of service has expired. If we want these young men to come back, let us convince them they will serve on American ships. I believe an honest effort to man our ships with our own people should be made; then the Olsens and Neilsons that refuse to become citizens of the United States, but who are eagerly sought after by officers, will give place to Americans, who, if not so easily governed as the mass of foreigners forming our ship's companies, will be ready to serve their own country and, if necessary, die for their own flag."

Vol. VI, Proceedings Naval Institute, Commander Chadwick, page 17, says:

"While we have, admittedly by almost all, been foremost in the education of our officers, we have been more than backward in doing anything for the enlisted men of the Navy. While England, France, Italy, and Germany were making radical changes in the training and treatment of men, we for many years of the time these changes have been progressing were almost perfectly supine and careless, depending for our supply of those who were to uphold the honor of the flag upon the waifs

of every nation attracted to our ships; nor did we wait for them to come; we took them on board in every foreign port, until the crew of an American man-of-war represented almost every tongue and color. * * *

"The schooling is limited in the English service; but within its limit it is very thorough, nearly all of the boys being excellent penmen and good cipherers."

Proceedings of U. S. Naval Institute, vol. 12, page 49. Commander Cooke says:

"The ease with which foreigners may enter our service would make it a very simple matter in time of war for an enemy to have informers and spies in our ranks whose presence it would be difficult to detect. Surely such men can not be expected to give a good account of themselves in time of war. * * *

"Because good men will not enlist in the service, worse are taken, and because of the conduct of these, good men will not stay. A remedy must be found if our Navy is to become a national representative of our best qualities.

"Worthy young men often enter the Army in the hope of securing those prizes (commissions), and their presence helps to elevate its tone. I think legislation for both services should be on parallel lines.

"It is certainly an anomaly that a young American is cut off from all hope of receiving a commission in our Navy, whatever may be his services, his talents, or his abilities, while such a reward would raise the tone of the men and be of inestimable value in stimulating the zeal of the whole service.

"It is not absolutely necessary that the men intended for any profession or calling should be all turned out of exactly the same mold, and nature's rough school affords abundant facilities for developing the needed brain power to master the various questions we have to encounter. So it is possible those who have gained their knowledge by experience and learned to rely on their own resources may make good officers; at all events, the way should be open and the effort will have a beneficial influence."

Admiral Luce says of sailors: "During the long years of peace the life of a soldier is one of comparative inactivity or unattended by those dangers that try men's souls; it is not so with the sailor, for although his country may enjoy continuous peace, yet he himself is constantly battling with the elements. His whole life may be said to be passed in confronting dangers.

"Rain and sleet, sun, fierce and dark nights, angry gleams of lightning, giving a transient view of the wild seas, and deafening thunder are accompaniments which he must take as they come.

"Though the tall mast should quiver as a reed, and the rent canvas, fluttering, strew the gale, still must he be on. The wonder is that he can do any work at all aloft, and that under such circumstances he has any mind or thought beyond that of self-preservation." * * *

PROMOTION IN THE ITALIAN NAVY.

It has recently been stated by a well known French naval writer that the Italian navy is in advance of most countries having larger navies in actual economy; and as regards promotion from the lower ranks, very much so. Neither in theory nor in actual practice is there any bar to advancement to the highest posts in the profession of men who enter at the bottom—indeed, there is a carefully considered and well-digested scheme in active operation with the special object in view to select and advance the best men forming the personnel to the various grades of officer rank open to them. To effect this, the crews of all vessels, including the men in charge of completed ships not in commission, belong to an organization called the "General Service Corps" (Corps Reale Equipaggi), which corps furnishes the specialists and others for the performance of subordinate duties in the fleet. It includes all the men of the naval service, as well as those detailed for permanent coast defense. For the purpose of developing and encouraging ability in the corps, it includes also a special class of "men," subordinate officers arranged in grades corresponding to those of captain and sublieutenant in the army, and these officers occupy a social place similar to warrant officers in the British navy. They serve, as a rule, in dockyards, barracks, or harbor ships, and in the larger ships at sea. They are promoted by selection, but after an examination, from chief petty officers, who in their turn have been advanced systematically, rank by rank, after strict examination.

Writing on the subject, an eminent foreign naval expert reported to his Government "the possibility of obtaining the position of an officer proves in practice to be a great inducement to capable petty officers to remain in the service."

These officers, however, including those with the rank of captain (army), are ranked as subordinates, but to certain ranks, corresponding with the seaman branch of our service—i. e., boatswain and gunner—a higher position is open, to bring them in line with which their connection with the general service corps is severed, and they enter the corps of the executive officers.

From the general service corps officers are selected to join the corps of executive

officers under the following conditions: Promotion to any grade can only be to the next higher grade, though officers may be transferred from the former corps to the last named in the rank they previously held. Under either method the officer must be recognized as capable of performing the duties of the grade next above that he is serving in, and they are then eligible to be promoted to the highest ranks.

DUTIES, &C., OF THE WARRANT OFFICERS OF THE NAVY.

[Chapter II, article 27, United States Naval Regulations.]

Boatswains, gunners, carpenters, and sailmakers are warrant officers. They have no relative rank, but shall take precedence of each other according to the date of their warrants. In case the warrants of two or more are of the same date, then according to the order in which their names are borne upon the official Naval Register as kept in the Navy Department. They shall, under their superiors, have all necessary authority for the due performance of their duties, and they shall be obeyed accordingly. They shall take precedence of all mates, petty officers, and noncommissioned officers of the Marine Corps.

For requirements to become a boatswain in the United States Navy:

"862. A candidate for boatswain's appointment must be of sober and correct habits. Except when an ex-apprentice, he must not be less than twenty-one nor more than thirty-five years of age. He must have been at least seven years at sea, and have served one complete year of that time as a petty officer in the Navy. He must be a thorough seaman and understand the rigging of ships according to regulations, and the cutting and fitting of the same; also the weighting, catting, fishing, securing of shears, the handling of purchases, the masting of ships, the securing of yards, and be able to write sufficiently well to keep an account of stores."

For the duties of a boatswain during the time of action, see Ordnance Instructions, page 35, paragraphs 155 to 161, inclusive, and also 162, hereunto appended:

"162. The boatswain, being an assistant of the navigator, is to see that the rigging, especially forward, is kept clear, and that all damages are promptly reported and repaired. If his seniors are absent, he will prepare the division and report it to the executive officer."

BOATSWAIN AND GUNNER.

469. They must, with the yeoman, carefully examine all the articles belonging to and all stores received for their respective departments and see that they are of good quality, that they agree in quantity with the invoice or bill sent with them, and that they are in good order, and must make immediate report to the executive officer of any defect or deficiency which they may discover.

470. They are responsible for all articles in their departments not in the immediate charge of the yeoman, and particularly for the careful preservation of all tools or implements issued by the yeoman for the use of their departments. They will retain for survey all of these that may become worn-out or otherwise rendered unfit for further use, as their responsibility with regard to them will not cease until they have been formally disposed of by survey.

471. They shall request a survey upon all stores which may be injured or become unfit for service in their respective departments, and such as the surveying officers condemn shall be expended, preserving a copy of the survey as a voucher, but if the survey shall direct articles to be converted to some other use they shall be charged accordingly and expended in the same manner as any other stores.

472. They shall be particularly watchful and make immediate report to the executive officer of any neglect or misconduct which they may discover in the yeoman or person having charge of their stores.

473. When a ship is about to be dismantled they are to be careful that all the articles belonging to their respective departments are properly secured and tallied, with their name and quantity, whether "serviceable," "requiring repairs," or "unserviceable," and that all precautions are taken to prevent their being in any manner injured. They will only receive credit according to the receipt given for them by the naval storekeeper or other person into whose charge they may be delivered, or according to the report of the surveying officers duly appointed, and they will attend the survey which may be made to ascertain the quantity of stores so returned by them, and will be called upon to account for any deficiency that may be found to exist.

474. They are to report daily—at morning inspection and at 8 p. m.—to the executive officer the state of all things in their respective departments.

475. The boatswain is to be generally upon deck in the day and at all times by both day and night when any duty shall require all hands to be employed. He has, with his mates, to see that the men go quickly upon deck when called, and that when there they perform their duty with alacrity.

476. He is, every day, before 7.30 a. m., and as much oftener as may be desirable according to the service the ship is employed on, to examine the state of the rigging, to ascertain whether any part be chafed or likely to give way, and to report to the officer of the deck the state in which he finds it. He is at all times to be careful that the anchors, booms, and boats be properly secured; and he is to be very attentive to have ready a sufficient number of mats, nippers, points, and gaskets, that no delay or inconvenience may be experienced when they are wanted.

477. He shall be particularly careful that the masts of the ship are not crippled or strained in setting up the stays and rigging, and that the masts retain the same angle with the keel after the stays and rigging are set up that they did when they were only wedged.

478. He is to be very attentive when working up junk that every part of it is converted to such purpose as may be ordered.

479. When the ship is preparing for battle, he is to be very particular in seeing that everything necessary for repairing the rigging is in its proper place, that the men stationed in that service may know where to find immediately what may be wanted.

[Chapter XVIII, Article 742, Naval Regulations.]

Warrant officers shall act as assistants to the heads of departments to which they belong, the boatswain and sailmakers to the equipment officer, the gunners to the ordnance officer, and the carpenter to the construction officer. They shall also perform such other duties as may be assigned them by superior authority.

GUNNER.

Page 166: The gunner shall faithfully comply with the ordnance instructions in reference to the care and use of ordnance material.

Page 166: When at sea he shall carefully attend to the security of the battery and use every effort at all times to prevent injury to any part of the armament.

Page 166: He shall faithfully supervise all ordnance work and carefully collect data for the ordnance returns.

Page 166: He shall perform any clerical services for the ordnance officer that the latter may require in connection with ordnance accounts and returns.

Page 166: He shall be responsible for the efficient condition of the life-buoys and shall test them as often as necessary in order to insure their good condition. They must be kept ready for use at sea and in port, and kept primed or ready for lighting between sunset and sunrise.

Article 750 (p. 167). He shall always report to the executive and ordnance officers any repairs to the armament or other work in his department that he deems necessary.

Article 751 (p. 167). He shall be accountable to the executive and ordnance officers for the condition of the armament and ordnance stores.

He shall issue no ordnance stores without authority from the ordnance officer.

Article 752 (p. 167). His station at quarters shall be in accordance with the ordnance instructions; when all hands are called it shall be where the captain may direct.

Article 589 (p. 130). When a ship is about to be put out of commission the ordnance officer and the gunner shall not be detached until the report of the survey on ordnance stores has been made, and not then unless it is satisfactory, except by special direction of the Navy Department.

[Article 1690, United States Naval Regulations.]

A candidate for the appointment of gunner must be a seaman of correct habits; except when an ex-apprentice, he must be not less than 21 nor more than 30 years of age. No person shall be appointed an acting gunner until he shall have satisfactorily passed an examination on the subjects herein mentioned at the Washington Navy-Yard before a duly authorized board of line officers, and no acting gunner shall receive a warrant as gunner unless he shall present commendatory letters from the captain under whom he has served, after making a cruise of not less than one year as acting gunner in a seagoing ship of war.

2. He must be able to read and write with facility, must understand the first four rules of arithmetic and proportion, and must be able to keep the gunner's accounts correctly.

3. He must understand the construction, mode of dismounting and assembling, and the method of remedying difficulties and defects in B. L. rifles, B. L. howitzers, all revolving cannon and machine guns of service type, and the magazine rifles and

other small arms in the naval service; also the use of such tools as are supplied for repairing ordnance at sea.

4. He must be able to put up all kinds of ammunition, to take impressions of vent and bore, to star-gauge guns, to adjust, verify, and use sights, to fit all gun gear, and thoroughly understand and be able to explain all fuses in use in the Navy.

5. He must understand the manner of fitting magazines, shell rooms, shell houses, and lightrooms, the manner of stowing and preserving powder, projectiles, fireworks, and all ordnance stores afloat and on shore, and the manner of handling and securing guns.

6. He must be fully conversant with all orders and regulations in regard to the care and handling of ordnance material and stores afloat and ashore, and with the charges of powder for guns and projectiles of every caliber.

54. He shall attend personally at the ordnance store, where his stores shall be delivered to him, the inspector of ordnance furnishing him with means of transportation and men for stowing them in their appointed places on board ship when the crew is not available for this purpose. He is to be especially careful that the equipments and stores belonging to the magazine are arranged therein in conformity to ordnance instructions. Chapter XII, part 111, should be consulted, as it treats of the ordnance stores.

55. He is to examine and report daily before 10 a. m. and at 8 p. m. whether the ordnance equipment of the vessel is in order and in place. His attention is to be specially directed to the guns and their equipments, the shells on deck, the ammunition and whips, etc., for supplying the same, divisional arm chests and boxes, machine and small arms, the torpedo outfit, and the state of the armory and various ammunition rooms. He shall report to the executive officer without delay defects and deficiencies that he may discover at any other time.

56. The guns and their equipments are to be kept as dry as possible, and no salt water used in cleaning them.

57. Whenever the magazines or shell rooms are opened he is to take every precaution to guard against accident by fire, to examine particularly that all the men stationed in any way in or about the magazine, embracing all stationed within the magazine screen, put on the magazine dress and shoes, and on no account have anything metallic about them, and that no improper articles are introduced. He will also see that all the articles required for sweeping and removing loose powder are at hand, and that those operations are performed before the magazine is closed. He will see that all persons on duty about the magazine or shell rooms are familiar with the position and operation of the flood and waste cocks.

58. The powder tanks containing charges for each class of guns are to be stowed on their sides, with the lid next the alleys and hinges down near the magazine scuttles through which these charges are to be delivered, the service charges nearest the scuttle. When tanks are emptied they are to be stowed on the upper shelves, in order that the powder may be kept as much as possible below the water line. If any powder is carried in barrels, they must be kept carefully chocked and secured.

59. The tanks are never to be opened, unless by special order or when powder is actually required for service, and then no more of the lids are to be uncovered than is necessary for immediate supply. The strictest attention to this regulation is required of the gunner, as experience has proved that the preservation of the powder in good condition depends upon the entire exclusion of damp air.

60. In time of war passing boxes are to have service charges kept in them ready for passing up at once.

61. No loose powder is ever to be taken or carried on board ship, and all, whether public or private, belonging to officers must be safely stowed in the magazines.

62. Nothing is permitted to be kept in the magazine passage but flannel dresses, empty powder boxes, and canvas shoes for the magazine men.

63. The charges and projectiles for howitzers are now put up separately, the cartridges being packed in tanks and stowed in the magazine with the other powder, while the projectiles are packed in boxes as before and stowed in the shell rooms.

64. No coopering is ever to be done in the magazines of ships. In case cartridges are to be filled from powder in barrels, the hoops and heads must be slacked on the orlop or birth, after which the filling can be done in the magazine or in any place suitably prepared.

65. If a hose is attached to the flood of a magazine it shall never be lighted or stopped up, but shall always be led out fair for use.

66. Filled hollow projectiles are to be stowed in boxes in the shell-rooms. Each caliber shall form a separate mass or range, which shall be divided vertically into lots, each consisting of projectiles of the same nature. These lots shall be subdivided vertically according to the kind of fuse or the time of burning. Battens must be placed if necessary to keep the shells from falling down, and pieces of board placed upright between the lots will serve to keep them distinct.

67. Filled torpedoes may be stowed in the shell-rooms; empty ones in a torpedo-room or in any convenient dry place. The stowage of those of elaborate or special form will be governed by directions from the bureau.

68. All metallic cartridges for small arms, percussion caps, and percussion or friction primers, or other articles containing fulminating matter, must be kept in boxes prepared for the purpose, and the boxes must be stowed separately from other articles in a dry, secure, and safe place, under lock and key, and are on no account to be put in the magazine. It is recommended that they be distributed in two or three places, a portion conveniently at hand.

69. The fireworks, after carefully removing all fulminating matter, such as caps or primers, if any such be used to ignite them, are to be stowed in their proper packing boxes in other light boxes of suitable length, made water-tight, with lock and key, and to fit between the beams and carlings of the gun decks of frigates and berth decks of single-decked vessels. Those for immediate use must be placed, if possible, so as to be constantly under the care of the sentinel at the cabin doors. In no case, however, are they to be placed over any standing light or lantern.

70. All ammunition packing boxes, shell bags, or other coverings, and all metal cases are to be preserved and returned into store at the end of the cruise.

71. When the charges are ordered to be drawn before entering a friendly port, the gunner is to be particularly attentive to assure himself that no shot or wad is left in any gun.

72. In saluting he is to guard against accident in loading, pointing, and firing, and to be particularly careful in reloading where that operation is unavoidable.

With the B. L. howitzers used for saluting the sponge must be passed through the bore after each fire.

73. Whenever M. L. guns are to be struck below or prepared for transportation, the gunners will see that the bores are washed with fresh water, carefully sponged, thoroughly dried, and coated with melted tallow, and a wad dipped in the same material inserted and connected with a tompion by a lanyard. He is to see that the tompion is put in securely and the vent and all screw holes stopped by a plug of soft wood and puttied over.

74. In the case of B. L. great guns the following rules will be observed: The breech closure (including the trays and gas check) will be removed and boxed, the unpainted iron and steel parts being coated with white lead and tallow. The whole bore of the gun shall be cleaned as prescribed above and thoroughly coated with white lead and tallow. It shall be stopped at each end by a tompion or suitable stopper, a groove being cut in the after tompion at its lowest point, and the whole is to be so arranged as to exclude water from the bore and to allow any moisture of condensation therein to be drawn off by the groove.

The muzzle tompion should be puttied in and the muzzle slightly elevated. The vent and all screw holes must be filled as directed for M. L. guns. A B. L. gun shall always be stowed with the axle of the trunnions horizontal.

75. In the absence or illness of the gunner his general duties will devolve on the chief gunner's mate, under the supervision of the ordnance officer.

76. If he shall discover any articles to be liable to injury or find any damaged, he will ask in writing for a survey to be held to determine the degree of liability to injury and its cause or the amount and cause of damage. A copy of this request, and also of the report of survey, is to be furnished to him as a voucher by the officer ordering the survey.

77. When the ordnance outfit is placed on board of a ship it shall be accompanied by an "invoice" or complete list of the articles furnished, showing number, prices, and weights. A ledger and suitable account books shall also be furnished. When ordnance articles are received during the cruise, either by purchase or otherwise, they shall be entered on the ledger, and at the end of the cruise a memorandum, showing prices, etc., as above, shall be appended to the ship's original invoice.

The gunner shall keep a minute book of all receipts and expenditures, and on Monday of each week shall submit it to the ordnance officer for examination and approval. Within ten days after the expiration of each quarter and at the end of the cruise, he shall have the ledger posted and his quarterly return made out in the required form. These books shall be signed by him, certified correct by the ordnance officer, and approved by the captain. The quarterly return shall be forwarded to the bureau.

If the gunner is to be relieved during the cruise, the ledger shall be posted and the relieving officers shall take an inventory of the stores and give his predecessor a receipt for such as he finds. If the inventory should be short of the final columns of the ledger, the relieving gunner shall inform the ordnance and executive officers.

The captain will call upon the retiring gunner for a statement in writing of the reasons for the deficiency. If the captain considers the reasons satisfactory, he will direct the necessary deductions to be made from the final columns of the ledger, sending a

copy of the gunner's statement and of his own order with the next quarterly return. If the reasons are considered unsatisfactory, the captain will direct a new account to be opened in the ledger, and will send at once to the bureau a copy of the list of deficiencies and of the statement of the retiring gunner. The latter is not usually to receive his detachment (unless his stores are found correct) until he has handed in his written statement. If, however, circumstances should have required his immediate detachment, the list of deficiencies above referred to will be sent to the bureau, with information that the officer has been detached.

When a vessel is to be put out of commission or when her ordnance outfit is to be formally turned over to a navy-yard and the gunner discharged of responsibility therefor, the ledger shall be posted, signed, certified, and approved as above directed. The invoice (with appendix) and the ledger shall then be delivered to the inspector of ordnance for use in the examination and survey of the stores and for ultimate transmission to the bureau.

If deficiencies are discovered, or injuries apparently due to want of care, the gunner will be called upon to show cause for them in writing, and his statement will be forwarded to the bureau with the report of survey. The gunner will receive from the inspector of ordnance a receipt in general terms for the ordnance and stores of the vessel, and upon it will be noted such articles as are deficient by the final columns of the ledger and such as may have been injured, as above mentioned. The gunner must show this receipt to the officer to whom he applies for detachment from the vessel.

The above rules apply to any person who may be acting as gunner.

If the ship is to be put out of commission he shall, after the stores are landed, personally inspect the magazines and their passages, shell rooms, ordnance store rooms, and lockers, and report in writing to the commanding officer that they have been so inspected and are empty.

78. When powder tanks are landed from a vessel they are inspected by the ordnance department of the yard at the magazine landing in order to ascertain whether they show marks of injury or careless handling.

79. When target practice is ordered, he will superintend the rigging of the targets by his crew (assisted by the carpenters necessary) and will see that such fused projectiles as have been longest on deck are presented for first use, if they are in proper condition.

After practice with small or machine arms he will collect the empty cartridge shells for reloading. The value of the empty shell is about two-thirds of the cost of the cartridge, and they can be reloaded ten times.

1043. After the survey the condition of the articles turned in will be reported by the inspector of ordnance (Form No. 15-0), in order that the care and attention of the gunner may be known and properly appreciated by the bureau. Both ordnance ledger and invoice are to be forwarded to the bureau with the report of survey.

1046. In the absence of the inspector, his duties will devolve on the senior assistant, and if from any unforeseen cause the inspector and all his assistants should be absent, the senior gunner may temporarily discharge the duties of the office, with the sanction of the commandant of the yard.

CARPENTER.

A candidate for the appointment as carpenter in the Navy must be of correct habits. Except when an ex-apprentice he must be not less than 21 nor more than 30 years of age. Before appointment he shall pass a satisfactory examination as to his professional, moral, and physical qualifications, the professional and moral examination being conducted by a board of three officers appointed by the Secretary of the Navy, and composed of a naval constructor and a carpenter.

The candidate must satisfy the examining board that he is a good mechanic, having a general knowledge of practical shipbuilding in wood, iron, and steel, and of the qualities and strength of the materials used therein. He must be able to read plans, make working sketches, furnish estimates of cost of work, and keep accounts of stores. He must understand in general the care and preservation of ships, their equipment and fitting, and the care and operation of such apparatus and machinery as he may be required to look after on board ship.

He must also be familiar with the precautions necessary to be taken in docking and undocking ships.

1. The carpenter shall make himself familiar with the regulations and such other instructions as may be issued from time to time concerning the care, preservation, and repair of ships, and shall strictly carry them out.

2. He shall supervise the work done by the mechanics placed under him.

3. He shall see that all fire-extinguishing apparatus except the steam fire pumps and their appurtenances (which are under the charge of the senior engineer) are

kept in order and always ready for immediate use. He shall be held accountable for the good condition of all hand pumps, with their attachments, pipes, drains, valves, and other appurtenances.

4. He shall keep in place and ready for use at all times the apparatus used for battening down hatches.

5. He shall see that the air and all other ports are kept in good order and watertight. They shall only be opened at sea by permission of the executive officer, and both their opening and closing shall be reported to the officer of the deck.

6. He shall frequently examine the lightning conductors and see that they are kept in good condition.

7. He shall, so far as possible, keep at hand and ready for use apparatus for repairing damages received in action.

8. He shall take the draft of water when entering and just before leaving port and report it to the navigator.

9. He shall, except where otherwise directed, be held responsible for the cleanliness and good condition of the capstans, windlass, steering engines, winches, pumps, valves, air ducts, and pipes. So far as possible, the mechanics under him shall be utilized in the care and operation of the machinery under his charge, but such additional men shall be detailed as may be necessary for their proper care and operation.

10. When at sea he shall examine the spars during every morning watch and report their condition to the officer of the deck.

Article 754. He shall always report to the executive officer any repairs that he may deem necessary.

Article 755. He shall be accountable to the executive officer for the condition of all construction stores, whether in use or not.

Article 756. His duty in action is to repair damages; his station at quarters for inspection and at all hands shall be as the captain may direct.

THE REQUIREMENTS NECESSARY TO BECOME A SAILMAKER IN THE NAVY.

865. A candidate for a sailmaker's appointment must be of sober and correct habits, except when an ex-apprentice he must not be less than 21 or more than 35 years of age. He must be a good workman in his line of business; be capable of drafting, and understand thoroughly the cutting and making of sails, awnings, hammock cloths, boom-covers, and wind sails for a vessel of war, and be able to write sufficiently well to keep an account of stores.

590. The sailmaker is, every day before half-past 7 a. m., and as much oftener as the service on which the ship is employed may render desirable, to examine the sails in use and report to the officer of the deck their condition.

591. Before the sails are received on board he is to examine them carefully and report to the executive officer should he discover any defects. He is to examine the sailrooms frequently to see that the sails are kept perfectly dry and free from vermin. He is to keep the sails properly tallied and so stowed that he may be able to find easily any one wanted. When sails are to be landed he is to see that they are dry, well made up, and tallied.

"The sailmaker may be detailed to the powder division, and could attend more particularly to the passage of projectiles."

In addition to duties assigned to warrant officers by the United States naval regulations and ordnance instructions, they are frequently called upon by their commanding officers to perform deck watch, forecastle watch, take charge of boats and divisions, and such other duties as are incident to the service while at sea, and to perform such duties as the honorable Secretary of the Navy may designate on shore, such as keepers of magazines, exports in the general stores, watch and division officers on receiving ships, naval ordnance proving ground, Naval Academy, torpedo station, and carpenters as assistants to naval constructors.

In addition to the duties herein set forth, the warrant officers stand deck duty, serve on boards of inspection at navy-yards, and all ammunition put up for the naval service is under the supervision of a gunner. The gunner and sometimes the boatswains are required to do the diving, the gunner being responsible for the diving outfits. The importance of the last is illustrated in the recent disaster to the *Maine*. The sailmakers are inspectors of steel, etc., as are the carpenters, and doing work which, in their absence, would probably be performed by a lieutenant. Boat duty and many other duties incident to the naval service fall to the lot of the warrant officers, the names of the corps not always defining the exact duties.

APRIL 21, 1898.

The committee met at 11.30 o'clock a. m., Mr. Hilborn in the chair. Personally appeared before the committee Assistant Naval Constructor F. B. Zahm.

STATEMENT OF ASSISTANT NAVAL CONSTRUCTOR ZAHM.

Mr. HILBORN. You belong to the construction department of the Navy?

Mr. ZAHM. Yes, sir.

Mr. HILBORN. What is your position?

Mr. ZAHM. Assistant constructor.

Mr. HILBORN. Have you a copy of the bill which you desire enacted into law?

Mr. ZAHM. Yes, sir.

Mr. HILBORN. Please read it.

Mr. ZAHM. The bill we propose is as follows:

A BILL to regulate rank and promotion in the corps of naval constructors.

Be it enacted, etc., That section 1477 of the Revised Statutes be, and the same is hereby, amended to read as follows:

"Of the naval constructors, five shall have the relative rank of captain, five of commander, and all others that of lieutenant-commander or lieutenant. Assistant naval constructors shall have the relative rank of lieutenant or lieutenant junior grade. Assistant naval constructors shall be promoted to the grade of naval constructor after not less than eight nor more than fourteen year's service as assistant naval constructors."

Mr. HILBORN. What is the change over existing law? It advances you, that is, gives more of you positions in the higher grades, does it not?

Mr. ZAHM. At present the number of constructors and assistant constructors is not fixed by law, nor is there anything to regulate promotions. The relative rank of the first two on the list of naval constructors is captain, and of the next three commander, and of all the rest lieutenant. The figures presented with the letter show that the percentage of officers above the grade of lieutenant in the construction corps is only 13½ per cent, as at present arranged. The proposed amendment will give 20 per cent above the rank of lieutenant. It shows that in the other corps the percentages run as follows:

Above the rank of lieutenant in the line, 31 per cent; medical corps, 20 per cent; pay corps, 48 per cent; engineer corps, 19 per cent; chaplains, 15 per cent; professor of mathematics, 64 per cent; civil engineers, 46 per cent. That is against 13½ per cent in the case of naval constructors.

Mr. HILBORN. You say the present number of constructors and assistant constructors is not fixed by law?

Mr. ZAHM. I believe not.

Mr. HILBORN. This does fix it?

Mr. ZAHM. No, sir; it does not fix the number.

Mr. MEYER. The President has authority to appoint as many as in his judgment are necessary. I understand, also, that the question of pay is not involved in the question of relative rank.

Mr. ZAHM. No, sir; it is a question of longevity entirely.

Mr. MEYER. The corps would not have the question of pay touched at all, would it?

Mr. ZAHM. No, sir; I do not think so.

Mr. MEYER. Because there would be no advantage to them to be put on the same plane as officers of the line and staff?

Mr. ZAHM. Not particularly.

Mr. BUTLER. How does their pay compare with that of the line?

Mr. ZAHM. It is better.

Mr. BUTLER. How much better?

Mr. MEYER. For instance, a naval constructor the first five years after the date of his appointment receives \$3,200; that is equal to the pay of a lieutenant-commander—no, it is more than the pay of a lieutenant-commander; not quite as much as the pay of a commander. The second five years after the date of his appointment he receives \$3,400, which is equal to the sea pay of a commander.

Mr. BUTLER. After how many years, sir?

Mr. MEYER. The second five years after date of appointment.

Mr. BUTLER. That would be after ten years' service?

Mr. MEYER. Yes, sir.

Mr. BUTLER. What is the average length of time which the assistant naval constructor serves in that grade?

Mr. ZAHM. Up to the present it has been—that is, counting only the younger members of the corps, graduates of the Naval Academy; it has been about five or six years, I think.

Mr. MEYER. So, after eleven years' service they reach the sea pay of a commander of the line? I suppose it is hardly fair to make a comparison, because the duties are of such a different character.

Mr. ZAHM. Entirely different. Generally more or less detached duty of importance.

Mr. BUTLER. Of course there is no sea service attached to it?

Mr. MEYER. No, sir.

Mr. ZAHM. It is possible for them to go to sea. There is a regulation which provides for that. We have one afloat now.

Mr. HILBORN. The staff officers are paid better than the line, I believe, because they can not be promoted to the higher grades?

Mr. ZAHM. Yes, sir; partly.

Mr. HILBORN. Is there anything which you wish to add to these statements you have made?

Mr. ZAHM. No, sir. This letter presenting the bill was sent to your committee, I think, by the Secretary.

Mr. HILBORN. And you will file that?

Mr. ZAHM. Yes, sir. It carefully states the facts. There is only one point which has come up in the present emergency—

Mr. MEYER. As I understand it, there are now thirty-seven officers of the construction corps in the service.

Mr. ZAHM. Thirty-seven commissioned officers, I think.

Mr. MEYER. Now, how many do you want according to the provisions of this bill?

Mr. ZAHM. We do not ask for any definite number. We only ask that the relative rank of the higher members be slightly increased; that is to say, five captains and five commanders in place of three captains and three commanders.

Mr. MEYER. Are the duties of the captains and commanders distinct from those of lieutenant-commanders and lieutenants?

Mr. ZAHM. No, sir; it is only a question of seniority. One of the captains, as a rule, is the chief of bureau, but the relative rank has no effect whatever on the duties of officers, except, of course, that senior officers generally have the most important duties.

Mr. MEYER. I suppose, then, the only main reason is to establish a proper relation as to rank with the officers of the other corps of the Navy?

Mr. ZAHM. Exactly. It very frequently happens, particularly at navy-yards, where there are boards being organized and that sort of thing, that a constructor who is the head of a construction department only has the rank of lieutenant, while the heads of the ordnance department, equipment, yards and docks, and paymaster have the rank of commander. The constructor is junior in rank to all of them, and probably has as many men under his direction and control as all the other departments put together, and he probably has the control of the expenditure of more money than those of the other departments.

Mr. FOSS. Would there be any increase of cost under this arrangement?

Mr. ZAHM. No, sir; it would not affect it at all, unless some time in the future it might affect it in this way: That officers who are now assistant naval constructors, and who would be entitled to promotion after a certain length of service, would be on the assistant constructors' list, very unjustly, and that, of course, would be a saving to the Government. If after they were 50 years of age, say, they were paid as assistant naval constructors, of course the Government would save the difference between that pay and the pay of naval constructors. The principal object of the bill is to prevent stagnation in the corps.

Mr. MEYER. Would it affect the pay of officers when they are retired?

Mr. ZAHM. Not at all.

Mr. BUTLER. Were you invited to participate in the hearings for the purpose of bringing out what is known as this amalgamation; was your corps invited to participate in that?

Mr. ZAHM. I am not positive. I am inclined to think the chief constructor was asked informally whether he had any suggestions to make, or something of that sort. I am not positive about that.

The CHAIRMAN (Mr. Boutelle). You mean when they had the investigation before the Department?

Mr. BUTLER. The amalgamation board.

The CHAIRMAN. When that was investigated in the Department?

Mr. BUTLER. Yes.

Mr. FOSS. Do you think the corps would have any objection to striking out the word "relative?"

Mr. ZAHM. No, sir; I do not think so. I do not think the majority of the corps would have any objection to striking that word out. I think it is stated in the letter of the chief constructor, however, that the constructors have never had any complaint to make in regard to the kind of rank—that is, that it should be relative, and that to gain a desirable increase in rank they were not inclined to sacrifice their privileges in any other respect. That is to say, the constructors do not feel as though they could afford to accept pay of the actual rank which they have relatively for the sake of getting absolute rank. That is to say, the question of getting absolute rank at the sacrifice of their proper pay would not incline them to do it.

The CHAIRMAN. When was the rank established?

Mr. ZAHM. I do not know, sir. There was some change about twenty or twenty-five years ago, I think. I know the chief constructor at that time had the rank of lieutenant-commander, and he was promoted backward to the rank of lieutenant for a while again, I think.

Mr. MEYER. The corps would not be benefited if the army pay, which

is proposed in the personnel bill, were applied to the Navy, if that also applied to the construction corps?

Mr. ZAHM. It certainly would not.

Mr. HILBORN. What is that section of the Revised Statutes you wanted amended?

Mr. ZAHM. Section 1477, I think. If constructors had higher rank it would not affect them so badly, but if you put them on army pay and gave them their present low rank—which, as I have said, is only 13½ per cent is above the rank of lieutenant—it would be cutting them down enormously.

Mr. FOSS. That is section 1477. Of the naval constructors two shall have the relative rank of captain. Instead of two you want—

Mr. ZAHM. Five.

Mr. FOSS. How many commanders do you want?

Mr. ZAHM. Five.

Mr. FOSS. And lieutenant-commanders or lieutenants—

Mr. ZAHM. There is no change as to that.

Mr. FOSS (referring to bill). Assistant naval constructors shall have the relative rank of lieutenant or master.

Mr. ZAHM. There is no change in that respect.

Mr. FOSS. The word relative then really fixes your pay?

Mr. ZAHM. No, sir; rank has no effect on pay at all. It is a matter simply of longevity for certain periods of service.

Mr. FOSS. So by striking out the word "relative" it would really have no effect particularly upon your corps?

Mr. ZAHM. No, sir; it would not; if the pay table were not changed.

There is one point about this suggested bill—

The CHAIRMAN. Most of the laws in regard to your corps as it stands to-day were passed March 3, 1871, were they not?

Mr. ZAHM. Yes, sir.

If the law were passed an assistant naval constructor could not be promoted until after eight years of service, and after eight years there would be a block in the service at once, and it would be impossible to promote anybody in case of necessity. I think the chief constructor addressed a letter in regard to that to the subcommittee. The lower limit really does not mean anything, because the promotion is at the discretion of the Department—or rather the President.

Mr. FOSS. The chief constructor said in his letter that one feature of the bill was intended to provide for the block which would result in fourteen years—from 1904 to 1908—without a retirement for age in the corps.

Mr. ZAHM. There will only be five more retirements between now and 1918.

Mr. FOSS. He further stated that by fixing the minimum service at eight years for promotion, the promotions of probably eight additional constructors during the next four or five years would probably be delayed two or three years, with loss to them personally and a corresponding loss to the Government.

Mr. ZAHM. I am affected in that case. I am number five on the list of assistant naval constructors, and would hope for promotion in 1900—the early part of 1900—but I would not be able to be promoted before July, 1901, which would be a special hardship on me.

Mr. FOSS. Do you think this change would promote the efficiency of the service?

Mr. ZAHM. I think it would, decidedly; particularly the change as to

relative rank. I think the naval constructors at the navy-yards, particularly, ought to have rank in proportion to their duties; in proportion to the heads of other departments with whom they are associated.

Mr. FOSS. I suggest, if there are no further questions, that we excuse Mr. Zahm.

Mr. ZAHM. I would like to make a point of that lower limit. It can not possibly operate to anybody's advantage, and is apt to act to the disadvantage of some of us in the next four or five years. The promotions being entirely at the discretion of the Secretary or the President, fixing a lower limit really does not mean anything except possibly preventing a promotion which might be necessary. So that even if the bill was submitted without any lower limit it would not affect the promotion except in the case of an emergency where naval constructors were required, allowing assistant constructors to be promoted, where they were fitted, in less than the eight years laid down in the bill.

Mr. FOSS. So, notwithstanding the individual loss to yourself, you believe it would be a good thing for the service?

Mr. ZAHM. I think it would.

The CHAIRMAN. Is there anything else you wish to say?

Mr. ZAHM. I do not know that I am as well prepared to discuss this matter as Mr. Taylor, who has made a careful study of it. He would have been here, but he is out of town to-day.

Mr. FOSS. I suppose everything is in this statement that you wish to file?

Mr. ZAHM. Yes, sir; I think everything is presented there—the percentages and all that sort of thing.

NAVY DEPARTMENT,
Washington, February 9, 1898.

SIR: I have the honor to transmit herewith, for the consideration of the committee, a draft of a bill "to regulate rank and promotion in the corps of naval constructors." This bill was prepared by the chief constructor of the Navy and submitted to the Department with a letter, dated the 3d instant, a copy of which is also inclosed.

If the corps of constructors did not already have rank I believe it would be much more in the interest of their position not to have it. They are not military men, but mechanical scientists of a high order. No title can apply to them so distinguished as that of constructor. The suggestion of military rank and title rather detracts from than adds to their dignity. My impression is that in the English naval service the constructor has no military rank.

Inasmuch, however, as rank for constructors is a part of our own naval system, it seems to me that the reasons for the adoption of the accompanying bill, as presented by the Chief of the Bureau of Construction and Repair in his letter, to which attention is particularly invited, are convincing. The Department, therefore, in view of the great importance of this branch of the naval service, and in justice to it, regards the bill as providing for necessary and conservative legislation, and accordingly commends it to the favorable consideration of the committee.

Very respectfully,

JOHN D. LONG,
Secretary.

The CHAIRMAN OF THE COMMITTEE ON NAVAL AFFAIRS,
House of Representatives.

BUREAU OF CONSTRUCTION AND REPAIR,
DEPARTMENT OF THE NAVY,
Washington, D. C., February 3, 1898.

SIR: I have the honor to inclose herewith draft of a proposed bill to regulate rank and promotion in the corps of naval constructors, and would respectfully request that it may be transmitted to the naval committees of the House and Senate.

I trust that the honorable Secretary of the Navy will feel himself justified in indorsing this bill.

In explanation I may say at the outset that the naval constructors as a body have complained but little of their position as regards rank. It has been my testimony on the question before committees of Congress that, while I believed it desirable that the number of officers of high rank in the corps should be increased, I did not believe the naval constructors as a rule were dissatisfied with their present kind of rank (relative), and that, even to gain the desirable increase of rank, they were not willing to sacrifice their status or privileges in any other respect.

Section 1477 of the Revised Statutes, fixing the present status of the construction corps, was enacted March 3, 1871. On January 1, 1872, as shown by the Register of that date, the construction corps was composed of 16 officers in all, of whom 2 had the relative rank of captain, 3 the relative rank of commander, four the relative rank of lieutenant-commander, and the remaining 7 the relative rank of lieutenant.

On January 1, 1898, as shown by the Navy Register of that date, the construction corps consisted of 37 officers, with relative rank as follows: Two of captain, 3 of commander, none of lieutenant-commander, 12 of lieutenant, and 20 of junior lieutenant.

It will be seen that the status of the construction corps as regards rank is markedly inferior to what it was at the date when this question was last passed upon by Congress. Although the corps has more than doubled, the number of officers of the relative rank of captain and commander is the same, and the number above the relative rank of lieutenant is 5 now, as contrasted with 9 in 1872.

The within bill proposes to give the corps 10 officers above the relative rank of lieutenant-commander, instead of 5, the number fixed in 1872, when the corps consisted of 16 in all.

At present there are 4 students who will shortly enter the corps, making the number next July, after a prospective retirement in June, 40 in all, and in view of the steady increase in the construction corps of late years, which successive Secretaries of the Navy have found necessary and advisable, it is believed that the corps, in the comparatively near future, will reach a number not less than 50. With the change in rank requested, there will then be 20 per cent above the rank of lieutenant, as contrasted with 56 per cent in 1871. At present the percentage of commissioned officers above the rank of lieutenant, as shown by the Navy Register of January 1, 1898, is for the corps named below as follows: Line, 31; Medical Corps, 20; Pay Corps, 48; Engineer Corps, 19; chaplains, 50; professors of mathematics, 64; civil engineers, 46; naval constructors, 13½.

While, as already stated, the constructors have never harped much upon the question of rank, I believe there can be no question that they are now at an unwarranted disadvantage. Take, for instance, the case of the three principal navy-yards—New York, Norfolk, and Mare Island.

At each yard the construction department is, in whichever way you look at it, fully equal to any other department of the yard in dignity and importance, and, if measured by the number of men employed, at times approaches in this respect all the other departments put together, yet at each yard the officer at the head of the construction department has the relative rank of lieutenant only.

At the navy-yard, New York, there are on duty, as shown by the Register of January 1, 13 line officers and 10 staff officers of other corps, each senior to the naval constructor in charge of the department of construction and repair. At the navy-yard, Norfolk, there are 4 line officers and 5 staff officers, senior to the naval constructor, and at the navy-yard, Mare Island, there are 6 line officers and 5 staff officers. The figures in each case are exclusive of the line officer commanding the yard and station. It is believed that these figures speak for themselves. I do not believe it necessary to describe in detail why the fact that the naval constructor is junior to such a large number of officers with whom he is associated should place him at a disadvantage, as I desire to avoid in this communication anything of a controversial or personal nature or that would tend to cause acrimony.

With reference to the second part of the proposed draft of the bill, regulating the promotion to naval constructor, it may be stated that there has been a large increase in the construction corps of late years through the entrance of young officers graduated from the Naval Academy who do not differ very much in age. Unless there is some provision made for their advancement there will be stagnation in promotion and a "hump" will appear, as is at present the case in the line, since for fourteen years, beginning in 1904, there will be no retirements on account of age in the construction corps.

While the number of assistant constructors and of constructors is not fixed by law, and the Secretary can promote more than one assistant constructor for each vacancy, or promote from assistant constructor to constructor without a vacancy in the upper grade, it is believed that it would be to the best interests of the Navy to provide a definite flow of promotion which would prevent any stagnation occurring in a few years, and give something fixed to which the young men now entering the construction corps can look forward. It is for this reason that the clause regarding promotion has been put in, thus insuring an assistant constructor's promotion within a period of fourteen years.

It may be said that of the 17 constructors now on the list, the average service as assistant naval constructor was seven years and seven months; the minimum service as assistant constructor being four years and eleven months, and the maximum thirteen years and three months. The average is brought up by the case of 3 assistant constructors who served the latter period, and, with the exception of these 3, no constructor now on the list had so much as eight years service as an assistant constructor before promotion. It is seen then that the minimum limit fixed of eight years before possible promotion is certainly not extravagant. It will, in fact, delay probable promotion in a number of cases in the near future.

No change in cost would be involved by the passage of the within bill. In fact, for the next fiscal year there would be a slight reduction. It is possible that after the lapse of ten or fifteen years there may be an increased cost, but nothing definite can be said on this subject, as the matter would depend upon whether the slow and regular promotion provided for in the proposed bill would have created at that time a

greater number of constructors than the Department, in its discretion, would have created in the natural course of events.

Very respectfully,

PHILIP HICHBORN,
Chief Constructor, U. S. N., Chief of Bureau.

The SECRETARY OF THE NAVY.

A BILL To regulate rank and promotion in the Corps of Naval Constructors.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fourteen hundred and seventy-seven of the Revised Statutes be, and the same is hereby, amended to read as follows: "Of the naval constructors five shall have the relative rank of captain, five of commander, and all others that of lieutenant-commander or lieutenant. Assistant naval constructors shall have the relative rank of lieutenant or lieutenant, junior grade. Assistant naval constructors shall be promoted to the grade of naval constructor after not less than eight or more than fourteen years' service as assistant naval constructor."

Personally appeared before the committee Maj. GEORGE B. REID, adjutant and inspector, United States Marine Corps, and Maj. FRANK L. DENNY, quartermaster, United States Marine Corps.

STATEMENT OF MAJS. GEORGE B. REID AND FRANK L. DENNY,
UNITED STATES MARINE CORPS.

The CHAIRMAN. I suppose you are aware that we are in the course of considering the general question of the personnel of the Navy. The bill as it was primarily brought before the committee was one which embraced legislation for the line and engineers and the enlisted men. There are other bills pending here for modifications and reorganizations of other corps of the service, and the committee desires to get at what is desirable in all branches of the service, so as to be able to act intelligently; and in the regular course of consideration we have got down now to the Marine Corps.

We will be glad to have you present any views that you understand the Marine Corps has maintained as to desirable modifications of the existing laws affecting your corps.

Mr. REID. I have frequently talked with the commandant of the Marine Corps, and what I say is practically his view. He has recommended to the Navy Department a reorganization of the Marine Corps, and he has asked for 1 brigadier-general, 3 colonels, 3 lieutenant-colonels, 6 majors, 30 captains, 30 first lieutenants, 30 second lieutenants, for the present enlisted force as allowed by law, 3,073. He asks an increased grade for the heads of the staff department, and this would make them lieutenant-colonels. He also asks that a certain proportion of the officers, who are now all taken by law from the graduates of the Naval Academy, shall be appointed from worthy noncommissioned officers subject to age limit and such examination as to educational and professional qualifications as may be established by the Secretary of the Navy.

The CHAIRMAN. You mean a certain proportion of the commissioned officers shall be taken from the enlisted men?

Mr. REID. Yes, sir; a certain portion, 25 per cent, of all appointments into the corps as second lieutenants made hereafter to be from worthy noncommissioned officers.

The CHAIRMAN. Has that bill been introduced into Congress?

Mr. REID. The bill was introduced in the last Congress or last session, and that was based upon an enlisted force of 2,500 or 2,600. That bill asked for 25 captains, 25 first lieutenants, 25 second lieutenants. This bill recommends an increase in proportion to the increase of enlisted men within the past two years—about 1,000.

The CHAIRMAN. Is there any change in the principle of the bill?

Mr. REID. No, sir; except that one feature of the appointment of a portion of the commissioned officers from noncommissioned officers.

The CHAIRMAN. That was not in the other bill?

Mr. REID. No, sir; it was not in the other bill, as I understand it.

The CHAIRMAN. The best way would be to take that old bill and see what modifications of it are desired.

Mr. REID. We have to-day at sea and under orders for sea every officer except two field officers—well, one sick captain, two well captains, and one lieutenant.

The CHAIRMAN. Whom have you at the navy-yard now?

Mr. REID. Captain Robinson.

The CHAIRMAN. How many men?

Mr. REID. He has at the present time 29 enlisted men, and we have a letter from the commandant about our reducing his force, but since then it has come down more than that.

The CHAIRMAN. What other force is there to protect this gun factory?

Mr. REID. Twenty-nine men with a small number of the new recruits when we get them—we still have 200 recruits to enlist.

The CHAIRMAN. That is the only garrison you will have?

Mr. REID. Yes, sir.

The CHAIRMAN. They do the policing?

Mr. REID. Yes, sir.

The CHAIRMAN. What is the purpose of the depletion of all these stations; what are these men being used for—on the ships?

Mr. REID. These men are going now to join the North Atlantic squadron and other ships of the Navy.

The CHAIRMAN. They are increasing the detail on those ships, are they?

Mr. REID. They have increased the detail on ships. There is a press for increase in ships' guards constantly. We shall not be able to increase these details now. We have got to such a point that we can not increase the details any more.

The CHAIRMAN. Do you understand that it is for the purpose of strengthening the Marine Corps on board ship, or for the purpose of organizing landing parties?

Mr. REID. With the exception of this battalion, which is now organized in New York, these are the regular guards of the ship. The regular guards of ships could not be landed if the ships should go into battle.

The CHAIRMAN. Have the ships been short?

Mr. REID. We have made the complements on board ships as small as they could possibly be made, but they are short of what should be, as shown by constant applications for increase of guards. We increased the *Iowa* day before yesterday to 80, and we increased the *Indiana* to 75, and the *Texas* we increased yesterday by 6, in order that the distribution for battle might be made complete.

The CHAIRMAN. Have you data there that will enable you to correct this bill so as to make it conform to the present proposed bill?

The old bill reads as follows:

“A bill to increase the efficiency of the Marine Corps, and to equalize

the grades of officers therein. *Be it enacted, etc.,* That the active list of line officers of the Marine Corps shall consist of one commandant with the rank and pay of brigadier-general."

Mr. REID. That is the same.

The CHAIRMAN (reading). "Two colonels"——

Mr. REID. Three colonels.

The CHAIRMAN. "Two lieutenant-colonels"——

Mr. REID. Three lieutenant-colonels.

The CHAIRMAN. "Six majors"——

Mr. REID. The same.

The CHAIRMAN. "Twenty-five captains"——

Mr. REID. Thirty captains.

The CHAIRMAN. This is on a basis of 3,073 men?

Mr. REID. Yes, sir; 3,073 enlisted men.

The CHAIRMAN. "Twenty-five first lieutenants"——

Mr. REID. Thirty first lieutenants.

The CHAIRMAN. "Twenty-five second lieutenants"——

Mr. REID. Thirty second lieutenants

The CHAIRMAN. "*Provided*, That vacancies in all grades of the line except those of commandant and second lieutenant shall be filled by promotion by seniority from line officers on the active list of said corps: *And provided further*, That the commissions of officers now in the Marine Corps shall not be vacated by this act: *And provided further*, That the original vacancies created in the grade of second lieutenant of the Marine Corps by this act shall be filled by selection and appointment in the manner now required by law, from the classes of naval cadets completing their full course of instruction during the first, second, and third years, respectively, after the passage of this act."

Is that where your change comes in?

Mr. REID (reading from memorandum). "That the officers of the Marine Corps above the grade of captain shall, before being promoted, be subject to such physical, mental, and moral examination as is now, or may hereafter be, prescribed by law for other officers of the Marine Corps."

Have you got that?

The CHAIRMAN. No (reading):

"*Provided further*, That vacancies in the grade of commandant shall be filled by selection from the officers on the active list of the Marine Corps not below the grade of field officer."

Is that there?

Mr. REID. Yes, sir.

The CHAIRMAN. And then comes section 2, which I believe you have just read?

Mr. REID. There is something more. In the appointment of second lieutenants to the Marine Corps to fill existing vacancies there may be selected one noncommissioned officer for every fourth appointment, and so forth.

The CHAIRMAN. That goes right in below—

"That vacancies in the grade of commandant shall be filled by selection from the officers on the active list of the Marine Corps not below the grade of field officer?"

Mr. DENNY. No, sir; it goes in after the grade of second lieutenant.

The CHAIRMAN (reading): "That the officers of the Marine Corps above the grade of captain shall, before being promoted, be subject to such physical, mental, and moral examination as is now or may hereafter be prescribed by law for other officers of the Marine Corps"?

That is section 2.

Mr. REID. That is the same.

The CHAIRMAN (reading): "Section 3. That the adjutant, inspector, paymaster, and quartermaster of the Marine Corps shall have the rank and pay of lieutenant-colonels;"—

Mr. REID. Strike "pay" out. It should be the "rank."

The CHAIRMAN. Why?

Mr. REID. Because the pay goes with the rank.

The CHAIRMAN. So it will read that the "adjutant and inspector, paymaster, and quartermaster of the Marine Corps shall have the rank of lieutenant-colonel; that vacancies occurring in the offices of adjutant and inspector and paymaster shall be filled by selection from officers of the line of the Marine Corps below the grade of major who have seen not less than twenty years' service; and that hereafter, upon appointment, the adjutant and inspector, paymaster, and quartermaster shall have the rank and pay of major, and after thirty years' service the rank and pay of lieutenant-colonel.

"*And provided further*, That vacancies in the grade of quartermaster shall be filled by promotion, by seniority, from the assistant quartermasters on the active list, and that vacancies occurring in the grade of assistant quartermaster shall be filled by selection from line officers, from the active list of said corps, below the grade of captain, who have been not less than ten years in the service.

"SEC. 4. That the senior officers of marines of fleets or squadrons shall, while so serving, have the rank and pay of the grade next above their lineal rank in the Marine Corps: *Provided*, That such temporary increase of rank and pay shall cease on the relief of such officers from duty as senior officers of marines of fleets or squadrons."

Mr. REID. The same.

The CHAIRMAN. That is the same, with the exception of the change of the number of officers to meet the increase in the enlisted force and the provision for the promotion from noncommissioned officers?

Mr. REID. Yes, of one-fourth—practically the same—except wherever the word pay is used that is stricken out.

The CHAIRMAN. Has not a similar bill been reported from this committee?

Mr. REID. That bill was reported.

The CHAIRMAN. This one?

Mr. REID. Yes, sir. As I understand it, it was reported favorably.

The CHAIRMAN. That is what I was thinking. Has it ever been reported from the Senate?

Mr. REID. I think not, sir.

Mr. DENNY. In a different form it has been reported a number of times. Mr. McPherson reported it twice.

Mr. REID. I think that bill there was recommended by the subcommittee to the full committee.

Mr. MEYER. I do not believe this committee has ever reported the bill.

The CHAIRMAN. Yes; I think so.

Mr. REID. I think so.

The CHAIRMAN. Last session, I think, or last Congress.

Mr. DENNY. This same bill, in principle, has been reported favorably not less than seven times in the last ten years.

The CHAIRMAN. From one branch or the other?

Mr. DENNY. Yes, sir.

Mr. REID. You see, Mr. Chairman, we have practically a thousand men—nine hundred odd men—more. That is, we have been authorized to enlist and we have enlisted that many men since we have had any

increase in the number of officers. We now have 12 second lieutenants, and we are practically 30 companies—103 enlisted men to the company.

Mr. HILBORN. And your highest officer is a colonel?

Mr. REID. Yes, sir.

The CHAIRMAN. Then you have a brigade?

Mr. REID. Yes, sir; a full brigade, 3,000 men.

The CHAIRMAN. How does the proportion of captains and lieutenants to the number of men agree relatively with the officers in the Army, on the basis of this present recommendation?

Mr. REID. We are very much less. In the present reorganization of the Army they have 8 full companies, and 2 unmanned companies to a regiment, and they have in each of those 10 companies 1 captain, 1 first lieutenant, 1 second lieutenant, and to each 10 companies 2 additional first lieutenants as regimental quartermaster and adjutant; 12 first lieutenants to each 10 companies, and their enlisted strength is 65 men. Taking out the artificers, and so forth, brings it down to 62 men. There are 10 captains, 12 first lieutenants, 10 second lieutenants to each 10 companies.

Based upon the present infantry organization of the Army, it would be 5 colonels, 5 lieutenant-colonels, 5 majors, 50 captains, 60 first lieutenants, 50 second lieutenants. That would be 10 adjutants and commissaries with the rank of first lieutenant, and who are detailed from the line. Our necessities are really greater than those of the infantry, for the reason that we have so many small detachments called guards, each commanded by an officer. For instance, a guard of 25 to 30 men requires a second lieutenant; a guard of from 25 to 40 or 50 men requires a first lieutenant, and above that a captain and second lieutenant. In fact, the guard of every battle ship is a full company, and we have but a captain and second lieutenant for it.

The CHAIRMAN. In other words, your men are distributed throughout a large number of ships, instead of being a large number at a single station, as is the case in the Army?

Mr. REID. That is correct.

Mr. MEYER. I would like information on this. I have heard considerable said by officers, and to my mind with a good deal of force, that, with the limited number of officers in the Marine Corps, great severity is entailed on them in the multiplicity of their duties. Take, for instance, the case of a lieutenant at the Washington Barracks or League Island Navy-Yard. How many days' duty does he have to perform in a week, beginning Monday morning?

Mr. REID. At the Washington Barracks we have three called duty officers. If they were not called on for any special duty at all, not diverted from that, they would perform one day's guard duty and two days off. But those two days' duty involve all the other duties of the officers of the guard except the actual being on guard—that is, all the drilling. What we call a day on duty is when the officer goes on guard as officer of the day, in the morning at half past 8 o'clock. He has all the guard detail—that is, the detail guard duty to look out for. He must visit the sentinels at least every relief, and once after midnight. He must superintend the issuing of all rations and stores to the men. He must examine and receipt for all Government property that comes into the barracks. He must inspect the quarters; he must inspect the prisons and prisoners—make a close examination of the cells; inspect all meals—three times a day. He must receive all reports, which are constantly being received up to 10 or 11 o'clock at night—taps. Then he has from that time to the next morning to himself except the visiting the sentinels around the yard or station.

The CHAIRMAN. Drills, you mean?

Mr. REID. During all this time during the day he must drill with the other officers. Those officers who are off duty also have the drills to attend to. If they are on boards or courts or such things they can not attend drills nor perform duty as officers of the day ordinarily. One is in charge of the commissary supplies, one is quartermaster and commissary together, and the other is practically the adjutant. These duties they have in addition to drills, guard duties, courts, boards, etc. We have no adjutants. We have not officers enough to admit of having an adjutant or post quartermaster or commissary, as they have in the Army, and as is very necessary. There is also a post exchange which has to be looked after by one officer who has that in addition to all his others duties heretofore mentioned.

Mr. BUTLER. The passage of this bill will not carry with it any additional expense except that which necessarily follows the increase in the Marine Corps, with one exception, and that will be the pay of a general?

Mr. REID. It would carry with it an increase only in pay.

Mr. BUTLER. That is, an increase in the Marine Corps, you say?

The CHAIRMAN. It does not change the present salaries.

Mr. REID. No, sir; only so far as grades are increased.

The CHAIRMAN. It gives one additional officer. It gives a brigadier-general. That is the only additional grade.

Mr. REID. The only new officer; yes, sir.

The CHAIRMAN. The others are simply an increase in the number of officers to meet the increase in the corps?

Mr. REID. Yes, sir; except the increase in the rank of the heads of the staff departments.

Mr. DENNY. Only an increase of \$500.

Mr. FOSS. This bill would give you the relief you want?

Mr. REID. Yes, sir; the relief of the present situation. If they go on increasing the Navy, adding more and more ships, more officers would of course be necessary for those ships.

The CHAIRMAN. The same as more men would be necessary?

Mr. REID. Yes, sir; more officers are necessary now than when we had 2,000 men; but we have the same number of officers now that we did when we had only 2,000—yes, when we had 1,500 privates. Our commandant when we were only 2,000 was a brigadier-general.

You asked me about the duties, Mr. Meyer?

Mr. MEYER. Yes.

Mr. REID. I presume the stenographer has the record of it. I do not know whether he took down what I said afterwards. I could give you that as a memorandum.

Mr. MEYER. You understand my object in making the request was not alone for my own information. There is a general idea that the duties of a marine officer are exceedingly light, and while I do not entertain that myself, the question might possibly come up at some time and we wanted reliable information on that subject.

Mr. REID. I want to tell you further that the duty of what we call the duty officers of the Marine Corps is practically a day on and a day off, but in many places it is day on and day on, which is prohibited by the regulations. And our officers are required to stand the same or a little additional examination that officers of the Army are required to pass. Those officers have schools to which they can go, and they have a course of two years, and when attending those schools they are not liable to duty as officer of the day and officer of the guard, etc., except in cases of emergency.

Our officers have to acquire in eight months a two years' course, and

they have to do duty day on and day off while doing it, and their commissions are at stake when they come up for examination for promotion. Their examinations are just as severe as those for the infantry of the Army. They must make 75 in practical and 65 in theoretical, and they must have a character of 75 per cent. And yet if they do not come up to those requirements they lose their commissions. Now, it does not seem possible to acquire a two years' course of study in eight months and at the same time do duty day on and day off and attend to the various other duties required. It is not for one week or one month so very difficult or hard a thing to sit up until 2 or 3 o'clock at night; but when you come to run that over a term of years it is hard on you. It takes out that vim and energy which is necessary to make any man a good officer.

Mr. SOUTHARD. What does this examination consist of?

Mr. REID. You are examined as to your knowledge, in the first place, of artillery and infantry operations up to those of general officer. We have what we call fire discipline, we have engineering, topographical engineering. We have ordnance——

Mr. SOUTHARD. Topographical engineering?

Mr. REID. Yes, sir. Our officers are required to pass an examination in the following subjects: Administration, drill regulations, fire discipline, military field engineering, military law, military topography, naval gunnery, and minor tactics. In the tactics of the three arms and combined—infantry, cavalry, and artillery.

Mr. FOSS. Where are these schools?

Mr. REID. We have but one, which is at headquarters, but we can spare so few officers, that we now have but three officers at that school.

Mr. FOSS. Are all officers required to take that examination?

Mr. REID. Yes, sir, all below the grade of major; but they can not all have the advantage of that school on account of there not being a sufficient number to admit of more being sent to the school at one time. A man who passes there has a certificate that holds good for three years, and then he has to pass an examination the same as an officer who has not been at the school.

At 1.10 o'clock the committee adjourned.

COMMITTEE ON NAVAL AFFAIRS,
Friday, April 22, 1898.

The Committee on Naval Affairs this day met for the purpose of continuing its hearings on the naval personnel bill, Hon. Charles A. Boutelle in the chair.

STATEMENT OF EDWIN STEWART, PAYMASTER-GENERAL, UNITED STATES NAVY, AND W. K. VAN REYPEN, SURGEON-GENERAL, UNITED STATES NAVY.

The CHAIRMAN. The Surgeon-General and the Paymaster-General of the Navy have responded to our invitation and are present. Now, which of you gentlemen desire to get away first, or do both of you desire to get away as soon as possible?

Paymaster-General STEWART. Both.

Surgeon-General VAN REYPEN. Both.

The CHAIRMAN. We will take up the Paymaster-General's case. We

are considering the general sad condition of the personnel of the American Navy, and we thought we would like to know what modifications and improvements the Pay Corps—

Paymaster-General STEWART. Modifications of what, of the personnel bill?

The CHAIRMAN. Anything concerning the organization of your corps?

Paymaster-General STEWART. I do not think we want any change in the organization of our corps. When the board was in session on the personnel of the Navy I was summoned, or rather invited, to appear before the board, and was informed that a proposition was then pending to abolish the Pay Corps. I naturally objected to being abolished, and therefore they said, "All right, we will leave you out," so they have left the Pay Corps out entirely. The present personnel bill does not affect the Pay Corps in any way, except indirectly by making the Pay Corps and all the Staff Corps feel more strongly than ever the injustice which for thirty-five years has been done us, and while I have no special objection to urge against the personnel bill, yet if you intend that bill to settle the controversy which has gone on for thirty-five years you will be very much mistaken in it.

The CHAIRMAN. I will state for your information that while the personnel bill proper, as introduced and referred to this committee, embraces, as I understand, only conditions affecting the line and Engineer Corps and some legislation in regard to the enlisted men, yet, in considering that bill, the committee have thought it wise to obtain some information as to the feeling in regard to all the corps so that we could have a general comprehensive view of the conditions of the service at large.

Paymaster-General STEWART. I think it would be very easy by the change of a few words in the present bill to pass a bill which would be satisfactory to the whole service. If you will take out the word "relative" wherever it applies to the rank of staff officers and accord them positive rank, that will, in a great measure, satisfy the Navy, and I do not think the line officers will specially object to it. I know those with whom I have spoken in regard to it would not. Then, I think, if you would change section 10 which reads:

That any officer of the line of the Navy as constituted by this act, with a creditable record, who served during the civil war, shall, when retired, be retired with the rank and three-fourths the sea pay of the next higher grade.

I do not see that it is necessary to make any invidious distinctions. Why not make that read:

That any officer of the Navy, with a creditable record, etc.

I was in the battle of Mobile Bay, and I was in the battle of Port Hudson, and I was in the battle of Port Royal, and I do not see why my record is not as good as anybody else's. Why should I be left out and a line officer be given those advantages?

The CHAIRMAN. If you ask me that question I will say I do not see any reason in the world.

Paymaster-General STEWART. Take out those words and take out the word "relative" where it appears, and I will say God speed to the personnel bill.

Mr. FOSS. I do not see any objection to doing that, only I believe the original personnel bill would have applied to engineers and the line.

Paymaster-General STEWART. But do not you see it emphasizes this feeling which has existed for thirty-five years?

The CHAIRMAN. That illustrates exactly one of the chief criticisms—I do not know I would call it a criticism, but one of the suggestions

that occurred to me originally in regard to this legislation for simply two branches of the Navy; that it is almost sure to be invidious in some of its relations to the other corps, and it seems to me the inequalities in the Navy to-day, all the way through, are largely the result of special legislation for each corps by itself, and in the remedying of something that was complained of in the conditions of a corps the relations have been so changed that an injustice has been left upon the others.

Paymaster-General STEWART. Section 13 says:

That the commissioned officers of the line of the Navy shall be entitled to receive the same pay and allowances, except forage, as are or may be provided by or in pursuance of law for the officers of like relative rank in the Army and Marine Corps.

Well, we have made no request to have our pay changed, but if you are going to establish the pay, why not establish it for the whole Navy and make that read:

That the commissioned officers of the Navy shall be entitled, etc.

The CHAIRMAN. What does "the same pay and allowances" mean?

Paymaster-General STEWART. It means to give the Navy the Army pay.

The CHAIRMAN. What are the allowances?

Paymaster-General STEWART. Why, I think they have some allowances for rations and for rooms.

Mr. FOSS. For quarters?

Paymaster-General STEWART. For quarters.

The CHAIRMAN. Why should they make it that way?

Paymaster-General STEWART. I am not urging any change in the pay.

The CHAIRMAN. But I am asking for information.

Paymaster-General STEWART. I do not quite understand your question. You mean, why should the line want the army pay?

The CHAIRMAN. I do not make any question as to their desire to have a rate of pay that may be equivalent, but what I want to know is, what are the allowances?

Paymaster-General STEWART. The allowances of the Army are a part of their pay.

The CHAIRMAN. They are a part of their pay, but it grows out of the duties of the Army on land.

Paymaster-General STEWART. Yes and the Navy would prefer its own pay than to have just what the Army gets without allowances. If you give the Army pay without allowances you would reduce the Navy pay.

The CHAIRMAN. Why not make it equivalent in some way? Do you know just what those allowances are?

Paymaster-General STEWART. I do not believe any man living outside of the Army could tell you.

The CHAIRMAN. I can tell you one. Are they not allowed something for horses? Why should a navy officer have horses?

Surgeon-General VAN REYPEN. He would not have. Mounted officers are allowed horses, and no naval officer is a mounted officer.

The CHAIRMAN. Under this law he would be entitled to it?

Mr. MEYER. Major Reid of the Marine Corps could enlighten us in regard to that.

The CHAIRMAN. I can understand why the Marine Corps are entitled to horses, because they are troops acting on land, stationed at barracks, etc., and have a variety of military duties to perform?

Mr. HILBORN. Horse marines.

The CHAIRMAN. But why should a captain or a commodore in the Navy have horses?

Mr. MEYER. I understand from Major Reid that these allowances for forage are of no special advantage to the army officer, for he is only allowed forage if he has a horse, and in order to maintain horses even exclusive of the cost of forage is rather expensive and it would not be of any benefit to the naval officer.

The CHAIRMAN. I am not speaking of this because I want the naval officer to have just as much as the army officer, but I do not see any sense in remodeling and revising legislation for the Navy and mixing up their compensation with a whole lot of extraneous things.

Mr. FOSS. Would not the term "Army" there ordinarily mean the infantry pay?

The CHAIRMAN. It says "and allowances," and it is something more than pay. Now, it is my impression that nearly all of these allowances would be outside of the requirements or utility of a naval officer, and if you simply want to make an equivalent assimilation the law ought to say so.

Paymaster-General STEWART. Why not say the pay should be equivalent to that received by the same rank in the Army?

The CHAIRMAN. Is not there this difficulty about it, are there not cases when the allowances of an army officer depend upon the particular service to which he may be appointed at the time?

Surgeon-General VAN REYPEN. There are cases when an army officer is allowed quarters. When a naval officer went to sea there would not be any allowance for quarters because quarters would be furnished on board ship. A medical officer who was attached to a hospital if he leaves the hospital would not have any allowance for quarters and his pay would be reduced by that amount because quarters in kind would be furnished him on board ship. If quarters in kind are not furnished he would get allowance for quarters.

Paymaster-General STEWART. I do not see why a naval officer should not have quarters on shore the same as an army officer.

Surgeon-General VAN REYPEN. Anyone furnished quarters would have his pay decreased by that amount.

The CHAIRMAN. Not under this law?

Surgeon-General VAN REYPEN. Oh, yes; army officers have not an allowance for quarters if they are furnished quarters. (To Major Reid:) You have no allowance for quarters if you are furnished quarters?

Major REID. No.

Surgeon-General VAN REYPEN. It is simply when you are not furnished quarters that you have an allowance?

Major REID. We have no allowance for forage except when we keep horses. The horses are private horses bought by the officers, and when you keep them you are allowed so many pounds of hay, so many pounds of straw, and so many pounds of oats.

Surgeon-General VAN REYPEN. A navy officer would have no use for horses in his duty and would not have any allowance for forage.

The CHAIRMAN. I do not see why under this law he would not be entitled to it.

Mr. HAWLEY. It expressly says he is not to be allowed forage.

The CHAIRMAN. He is to have the same pay and allowance except forage that an army officer has. Suppose a captain is at sea in command of a ship; under that law what are you going to pay him? It

seems to me the paymaster of the Navy is obliged to pay him the equivalent of the pay and allowance of an officer of his grade in the Army?

Paymaster-General STEWART. He would not have the allowance for quarters because he is furnished with quarters on the ship. If an army officer is furnished quarters he does not receive any allowance for quarters. I have been on duty in Washington for eight years and I have paid considerably more than \$1,000 a year for house rent.

The CHAIRMAN. Do you not think it is a good deal better, when conditions are so different between the Army and Navy, to fix the salaries of the officers rather than leave that sort of indefinite language which has to be interpreted all the time?

Surgeon-General VAN REYPEN. All the paymasters in the Army have to interpret, that is——

The CHAIRMAN. I understand, but it would be different where the naval officers had a certain specific schedule of allowances for themselves and you have got to apply the scale of the army allowances and conditions of the Army to the naval officer.

Surgeon-General VAN REYPEN. The assimilated rank would make that very easy. The army paymasters now have no difficulty in arranging the pay.

The CHAIRMAN. Because they have a specific law providing just what the allowances shall be for every condition in which they find themselves. There is no such law and the conditions are not the same in the Navy as they are in the Army?

Surgeon-General VAN REYPEN. I think there would be very little difficulty in the paymasters of the Navy arranging it.

The CHAIRMAN. For myself I am very strenuously opposed to ambiguity in regard to money matters. I think it is a great deal better to know just what a man is entitled to and put it down in black and white.

Mr. HAWLEY. If we are to advance the pay—and that is what it means—of the officers of the Navy why should not it be specifically and expressly set out?

Surgeon-General VAN REYPEN. The idea was to assimilate the pay of both services—the officers of similar rank in both services.

Mr. HAWLEY. There are certain conditions which apply to officers of the Army that never apply to the officers of the Navy, and likewise the contrary?

Surgeon-General VAN REYPEN. True.

Mr. HAWLEY. And as they are different arms of the service and are expressly and specifically legislated for in a separate manner, it seems to me we should set out in clear and explicit terms the compensation which they are to receive, bringing it, if we determine that it was wise and fair, to as nearly the same conditions that the relative rank in the Army is compensated or paid without basing it on the compensation.

Surgeon-General VAN REYPEN. I think that would be the better way.

The CHAIRMAN. My impression is that this is more of an argument in the bill than legislation. It was evidently framed with a desire to bring before the legislative body the idea that this was not an extraordinary demand, but simply assimilating it to the Army. That is as good as an argument, and we might very readily take that as a basis. Why not make that specific?

Paymaster-General STEWART. The people who got up the bill——

The CHAIRMAN. Why not make a pay schedule? They only have one kind of pay now for all services.

Paymaster-General SEWART. In the Army?

The CHAIRMAN. Is that the case in the Army? Is the pay of an army officer the same for all services?

Paymaster-General STEWART. It does not change with the service.

The CHAIRMAN. No matter what the service is?

Major REID. We have two pays, leave pay and duty pay.

The CHAIRMAN. I think almost anyone if he undertook to hunt up what the pay of naval officers are in the law and should find that clause would regard it as very curious legislation. Here is a law governing the pay of the Navy and it does not say what an ensign's pay is or what a lieutenant's pay is or what a captain's pay is, and then when you go to the army law to find it out you do not find it out there because he has allowances and you have to hunt up and get some experts to find out just exactly what their allowances are under different conditions.

Paymaster-General STEWART. In my annual report I recommended that appointments to the Pay Corps should be made from the graduates of the Naval Academy. No action has been taken on it, and while I am not strenuous on the point now, still I think it would go a good way toward doing away with this feeling between the staff and line if a provision was put in this personnel bill that after a certain time the Pay Corps shall be recruited from the graduates of the Naval Academy, leaving the organization as it is at present.

The CHAIRMAN. Are you going to have enough men out of the Academy to do that?

Paymaster-General STEWART. Well, there are a good many who have been at the Academy and who are out of the service who would be glad to come in.

Mr. FOSS. Would it be recruited from those who failed to pass the final examination?

The CHAIRMAN. He said "graduates" from the Naval Academy.

Mr. MEYER. Possibly in some manner that might ameliorate the feeling, but on the other hand it would have the effect of making the Navy a little less popular. Now, that is about the only position in the Navy for which a civilian, outside of the medical officers, would be available, and I think it rather helps the Navy to have some people there who are not obliged to go through the course at the Naval Academy.

The CHAIRMAN. Now this section 10—

That any officer of the line of the Navy as constituted by this act, with a creditable record, who served during the civil war, shall, when retired, be retired with the rank of three-fourths of the sea pay of the next higher grade.

makes the exception in favor of not simply one corps but of two corps. It makes an exception of what we now call the line and of the engineer corps, who will be merged into the line, and it leaves out the Medical Corps and the Pay Corps, and the members of that corps are precisely as much combatants on board ship at sea as either of the other corps. That old idea that nobody was a combatant except the officer of the deck is without basis; as a matter of fact, I can state from my own experience two illustrations that in an action in which I participated among the few men who were promoted two were staff officers, one was an engineer, and the other was a paymaster, and they were promoted for gallant conduct.

Paymaster-General STEWART. One of the officers who went with Cushing in the attack on the *Albemarle* was a pay officer. I would like to say, gentlemen, I did not come down here in opposition to the personnel bill at all; I have only suggested a few changes in it.

The CHAIRMAN. Any objections to or suggested improvements of this bill do not constitute high treason at this end of the Capitol, and we propose to consider all these subjects fully.

Mr. FOSS. Do you think with these changes that this bill if enacted into law would improve the efficiency of the service?

Paymaster-General STEWART. Yes; I think it would. I have not looked into the particular features of the engineer part of it because we were not especially interested, but I think if you are going to pass any bill you had better provide for the whole Navy and settle this long-standing trouble.

The CHAIRMAN. Do you think any legislation we can enact here is going to do away with all the prejudices and friction which arise on board of ship?

Paymaster-General STEWART. If you make the few small changes I suggest there, I think it will.

The CHAIRMAN. I wish I was as sanguine. When the time shall come in the Navy that somebody wants a boat to go ashore and the executive officer thinks he wants all the crew to do some painting or something else and there is no friction about it, the millennium is at hand; that is my opinion of it.

Surgeon-General VAN REYPEN. You know the correspondence which took place in regard to the *Cincinnati* when the executive officer told a colored boy to take the place of the engineer who was going to steer it?

The CHAIRMAN. No, I do not remember it.

Paymaster-General STEWART. The elimination of the word "relative" would prevent any trouble of that sort.

Mr. FOSS. And section 7, how would you amend that in the middle of the section?

Paymaster-General STEWART. I would simply leave out the word "relative." That is not so worded as to make it possible for a line officer to be appointed Paymaster-General; it is not worded that way, is it? Pass that as it reads and the law still provides that the Paymaster-General shall be taken from the Pay Corps. It would not affect that law.

The CHAIRMAN. It takes the rank of commodore away certainly.

Paymaster-General STEWART. Then, I would leave that out.

The CHAIRMAN. It unquestionably, in my judgment, takes that away.

Paymaster-General STEWART. I read that over two or three times and I did not know——

The CHAIRMAN. It says here:

Provided, That the chiefs of the bureaus of Medicine and Surgery, Supplies and Accounts, and Construction and Repair shall have the relative rank of commodore while holding said positions, and shall have respectively the title of Surgeon-General, Paymaster-General, and Chief Constructor. When the office of chief of bureau is filled by a line officer below the rank of commodore, said officer shall have the relative rank of commodore during the time he holds said office.

Mr. SOUTHARD. Why do you want the word "line" in there at all?

The CHAIRMAN. I do not see at all, unless it is either to do one of two things——

Mr. MEYER. The present bureau heads are precisely in that position. For instance, Paymaster-General Stewart has the relative rank of commodore, but he is Paymaster-General, and they call him Paymaster-General. Commodore Melville has the relative rank of commodore, and they call him chief, and according to the regulations of the Navy Department he is Chief Engineer, the same as Commodore Hichborn is Chief Constructor.

The CHAIRMAN. There is an apparent contradiction. It says that the chiefs of those three bureaus shall have the relative rank of commodore, and then it says that when the chief of a bureau is filled by a line officer below the rank of commodore said officer shall have the relative rank of commodore during the time he holds said position. It seems to indicate that nobody but line officers below the rank of commodore should have that rank.

Mr. FOSS. No; it only applies to special cases where a line officer was appointed.

Paymaster-General STEWART. The law now provides staff officers should have the relative rank of commodore when they are chiefs of bureaus. Here it is provided a line officer below that rank would have that rank also.

The CHAIRMAN. Why should he not have it as much as a staff officer? Why not put all the bureaus in there together and say that the chiefs of the Bureaus of Ordnance, Navigation, Medicine and Surgery, etc., shall have the title and relative rank of commodore?

Paymaster-General STEWART. I do not see why those words are in there; the law provides so now.

The CHAIRMAN. There is something I do not understand.

Mr. SOUTHARD. If you are going to abolish the relative rank, why say anything about that?

Paymaster-General STEWART. You might leave that out, as the law provides just what those people should be called now.

The CHAIRMAN. Why should not this law provide specifically for the chiefs of other bureaus as well as for those three? Is there not something peculiar about that?

Mr. FOSS. It would not change the existing law.

The CHAIRMAN. But why should you select those three bureaus and mention them specifically? Why do you not say all the bureaus?

Mr. FOSS. That term "chief of bureau" would apply to all bureaus.

The CHAIRMAN. I understand; but why do they specifically name those three, and there is the Bureau of Ordnance and Bureau of Navigation and various other bureaus? Why do they name those three? There is something very peculiar about that. They go outside the purview of this personnel bill as affecting these two corps, the line and engineers, and name those three bureaus, and then refer to the general appointment of line officers to bureaus; why not put other bureaus in?

Mr. SOUTHARD. This bill does not contemplate putting a line officer at the head of the Bureau of Medicine and Surgery?

The CHAIRMAN. I am not sure about it from its wording.

Mr. SOUTHARD. I have never understood it was the purpose.

The CHAIRMAN. I would not know how to construe that. Why should it specify those three staff bureaus?

Paymaster-General STEWART. Why not leave that out?

The CHAIRMAN. What is the good of putting that in when the law provides it now?

Paymaster-General STEWART. I do not see.

The CHAIRMAN. Nobody is going to take the trouble to reenact a whole lot of legislation unless they had something in view.

Paymaster-General STEWART. There are three bureaus here that the law says shall be filled by staff officers.

Mr. MEYER. It does say they shall have the relative rank of commodore while holding said position.

The CHAIRMAN. There is nothing in this law that is not provided by existing law.

Mr. SOUTHARD. No line officer could hold the title of Surgeon-General under this bill.

Mr. HILBORN. Does not this contemplate that he shall be Paymaster-General?

Mr. HURLEY. Is not the reason for putting that in here because they have done away with the rank of commodore altogether?

Paymaster-General STEWART. I expect that is it.

Mr. MEYER. They abolish the rank of commodore.

The CHAIRMAN. I do not see any sense in putting it in.

Mr. MEYER. I expect this is the explanation: Evidently they want to retain that for the purpose of giving that grade and that rank and pay to the chiefs of bureaus the same as it is in the Army.

The CHAIRMAN. There is no such rank or pay in the—

Paymaster-General STEWART. You do not want to take away my rank?

Mr. MEYER. You either have to do that or make him an admiral.

The CHAIRMAN. The bill says they shall have the relative rank of commodore. Now, there is no such relative rank, so how is he going to have that rank? That rank is abolished. How do you account for that?

Mr. FOSS. It is retained only in the few cases mentioned here in this section. This applies to chiefs of bureaus, and also to captains in command of squadrons of two or more vessels, and also for retirement purposes. Those are the three cases in which it is retained. Otherwise it is out.

Paymaster-General STEWART. With that explanation, I do not see any objection to it.

Mr. HURLEY. Because it is not used in the British and other navies.

Mr. FOSS. General Meyer raises the further question here as to whether or not it would not be better to strike out the rank of commodore entirely?

Paymaster-General STEWART. Then you leave me without any rank at all.

Mr. MEYER. In the explanatory statement of the personnel bill it says:

While the grade of commodore is not included in the composition of the new line of the Navy, it is mentioned for retirement purposes, and was retained for those who will perform certain duties while actively employed both on shore and afloat; and it is also intended to be a retiring grade for captains who, having had war service, may wish to retire, or for those captains who may voluntarily retire to create vacancies.

The reason suggested in there for retaining the grade of commodore with the limitations expressed seems to me to be very good. For instance, a captain may wish to retire, and according to the provisions of the act he retires to the next higher grade; that being the case he would be retired as rear-admiral, and you do not wish all these captains to be retired as rear-admirals. Then you can retire them as commodores.

The CHAIRMAN. Why?

Mr. MEYER. I suppose it would make too many retired rear-admirals. That has been the complaint we have had for a number of years—that there would be too many in the grade.

The CHAIRMAN. There would not be any more, proportionately, than on the active list.

Mr. MEYER. The lowest captain on the list might retire, and he might retire as a rear-admiral.

The CHAIRMAN. That does not answer my question, why they should specifically provide for the positions and relative rank of three bureaus and not the others?

Paymaster-General STEWART. I think with the explanation that they have done away with the grade of commodore they mean that they do not do away with it for those three bureaus and that is to be retained.

The CHAIRMAN. Why do they mention them specifically?

Paymaster-General STEWART. So as to protect them.

The CHAIRMAN. Why not mention the Bureau of Navigation, Ordnance, etc.?

Paymaster-General STEWART. Because the Bureau of Navigation may be filled by an admiral or commander, and when filled by a commander then he shall have the relative rank of commodore so as to rank with the Paymaster-General and Surgeon-General, etc. I think this is intended to protect those who now hold in those positions the relative rank of commodore. I did not understand it at first, but with the explanation which has been read I see it is all right.

The CHAIRMAN. What is the highest relative rank in the pay service.

Paymaster-General STEWART. Captain. The moment I cease to be chief of bureau I rank with a captain.

The CHAIRMAN. How is it with the Medical Corps?

Surgeon-General VAN REYPEN. It is the same. When I cease to be Surgeon-General I go back in the list as a captain.

The CHAIRMAN. I do not see why they should not have said, "whenever the office of chief of bureau is held by an officer below the grade of commodore he shall have the relative rank of commodore during the time he holds said office."

Paymaster-General STEWART. That is what they intended to say. Mr. FOSS. But they put it in that way.

The CHAIRMAN. I do not see why they should specify two or three?

Mr. FOSS. I think we perhaps could improve the language there.

The CHAIRMAN. It seems curious, because you do not get any information at all about the other bureaus from this section?

Paymaster-General STEWART. As I said, they abolished this grade of commodore except for those three bureaus and for certain line officers.

The CHAIRMAN. I do not see how it is going to give anybody relative rank. You do not have any rank with anybody in the service?

Paymaster-General STEWART. But I want you to strike out the word "relative."

The CHAIRMAN. Then you will not have any rank?

Paymaster-General STEWART. This bill provides it shall be —

The CHAIRMAN. But it does not assimilate with anything in the active service.

Paymaster-General STEWART. There are other laws which assimilate the rank of commodore with the rank of brigadier-general.

Mr. HURLEY. The pay of these positions is fixed by law?

Paymaster-General STEWART. Yes.

The CHAIRMAN. This bill does not fix the pay in so many dollars and cents, it says they shall have the same pay and allowances as an officer of the Army?

Mr. HURLEY. I was talking about the heads of bureaus; their pay is fixed by law?

Paymaster-General STEWART. The law distinctly says that a chief of bureau shall have \$5,000 a year.

The CHAIRMAN. It does?

Paymaster-General STEWART. Yes.

The CHAIRMAN. I thought it was the rank and pay of commodore?

Paymaster-General STEWART. It is.

The CHAIRMAN. What is the pay—is that the pay of a commodore?

Paymaster-General STEWART. It is the pay of a commodore.

The CHAIRMAN. I thought it was based absolutely upon the rank and pay of a commodore?

Paymaster-General STEWART. The law states a fixed sum that each chief of bureau shall have.

The CHAIRMAN. I had forgotten that.

Mr. HURLEY. Under this bill, with the pay and allowances of an army officer, a gentleman who happens to be the head of a bureau would not have to pay his rent out of his salary; he would get it allowed.

The CHAIRMAN. Where would they pay it under this bill?

Paymaster-General STEWART. It is not in this bill at all.

The CHAIRMAN. You still get your \$5,000?

Paymaster-General STEWART. Yes. The way they have done heretofore, when a man's pay according to his position on the register is higher than the bureau pay, he takes that higher pay. For instance, when an admiral takes the position of chief of bureau he takes the pay of an admiral.

The CHAIRMAN. Everybody but those who have the rank of commodore would get increased pay by changing to the army schedule, but the chiefs of bureaus would not?

Paymaster-General STEWART. It would not affect the bureau officers at all.

The CHAIRMAN. That is, the effects would be less favorable?

Paymaster-General STEWART. Oh, yes.

Mr. HURLEY. The allowances would.

The CHAIRMAN. It would give everybody else increased pay except a chief of bureau?

Paymaster-General STEWART. It would give the chief of bureau increased pay in the sense he gets some allowance for quarters.

The CHAIRMAN. What I am trying to find out is, whether the pay of a chief of bureau is changed by this law?

Paymaster-General STEWART. No, sir; it is not.

The CHAIRMAN. Then you do not get any advantage in the way of pay?

Mr. HURLEY. He gets an allowance for rent.

The CHAIRMAN. I do not see how he gets any allowance at all if his pay is fixed by law now and there is no such relative rank.

Mr. HURLEY. He is still an officer of the Navy and entitled to the allowance.

The CHAIRMAN. "That the commissioned officers of the line of the Navy." Now, if that meant line and staff I do not see how it would affect the persons occupying the relative grade of commodore.

Paymaster-General STEWART. We are not asking any increase or change in that as bureau officers. There are only three of us, but I think for the whole Navy it would be well to put that in "line and staff."

The CHAIRMAN. Section 13 says:

That the commissioned officers of the line of the Navy—

Surgeon-General VAN REYPEN. If you simply scratch out "of the line" it would remove all ambiguity.

The CHAIRMAN. What are the allowances of a colonel of the Marine Corps outside of his pay?

Major REID. He is allowed quarters, if he has not been occupying quarters. We have one colonel who does not occupy quarters, and he has six rooms, at \$12 a month each, making \$72 a month. That is the only allowance.

The CHAIRMAN. Is that all?

Major REID. Yes, sir.

The CHAIRMAN. Is he not allowed for horses?

Major REID. He is allowed forage for horses, if he keeps horses.

The CHAIRMAN. Is he not allowed anything for horses?

Major REID. Not unless he keeps horses. They must be private horses, purchased by himself, and then he is allowed so many pounds of oats, so many pounds of hay, etc.

The CHAIRMAN. Does he have to buy his own horses?

Major REID. Yes, sir; the Government does not furnish horses.

The CHAIRMAN. Is that the same in the Army?

Major REID. Yes, sir; I have two horses.

The CHAIRMAN. Do you furnish them yourself?

Major REID. Yes, sir.

Mr. BUTLER. I think that is very singular. I thought the Government furnished them.

The CHAIRMAN. Where is that line drawn—at commissioned officers?

Surgeon-General VAN REYPEN. Yes, sir; they own their own horses.

The CHAIRMAN. Do infantry officers buy their own horses?

Surgeon-General VAN REYPEN. Yes, sir. They are their private horses.

Mr. BUTLER. Why should such a rule be made?

Major REID. I do not know, but perhaps it was thought they will take greater care of them.

The CHAIRMAN. Is it possible that when an army officer's horse is shot he has to pay for it out of his own pocket?

Major REID. If it is in the field, he can take any horse he can get out of the quartermaster's department and use it if it was necessary, but he must as soon as possible provide himself with his own horse.

Mr. BUTLER. So it is only temporarily he can take that horse?

Major REID. But he would not have an allowance if he had a Government horse. If I had a Government horse, I would not have an allowance.

Mr. BUTLER. They provide the soldiers with shoes?

Major REID. Yes.

Mr. HURLEY. And horses?

Major REID. Yes, and they will shoe the horses; they furnish a blacksmith to each company.

Mr. BUTLER. Does not the Government provide you with quarters?

Paymaster-General STEWART. It does not pay my house rent and the Paymaster-General of the Army would be provided with quarters, and if he owns a horse he would be provided with forage, and if I own a horse I would have to buy my own forage.

Mr. BUTLER. What is the reason for that distinction?

Paymaster-General STEWART. Because the Naval Committee, or rather Congress, has never given us the same pay as the Army.

The CHAIRMAN. That is true, but the generic reason is because the legislation for those two branches of the service has been carried on just as recommended and proposed now, by piecemeal. First, we would have a law for infantry and then for the Engineer Corps of the Navy, and then for cavalry, and then something for the Medical Bureau, etc.?

Mr. BUTLER. Is there any substantial, sensible reason why an officer

of the Navy should not receive the same pay and allowances as an officer of the Army?

Paymaster-General STEWART. There is not.

The CHAIRMAN. One of my Utopian dreams since I have been a Member of Congress was the establishment of a joint commission which will provide for the rank and pay of the Army and Navy, and put them on a proper basis of assimilation.

Mr. BUTLER. That is to allow each one the same pay?

The CHAIRMAN. I mean to go through and adjust their relations with each other, and adjust their relative compensation and rank.

Mr. FOSS. Section 1565 provides for the pay of chiefs of bureau:

The pay of a chief of bureau of the Navy Department shall be the highest pay of the grade to which they belong, but not below that of commodore.

The CHAIRMAN. That is not specific.

Mr. FOSS. This would not change that law.

The CHAIRMAN. This is not below the grade of commodore. How is that fixed and who fixes it?

Mr. FOSS. That is fixed by law.

Paymaster-General STEWART. No matter what a man's rank is he gets the pay of a commodore if he is a chief of bureau.

Mr. FOSS. He gets the highest pay of the grade to which they belong but not below that of commodore.

The CHAIRMAN. Because nobody who was a commodore has been appointed there?

Mr. FOSS. If he was a lieutenant appointed, he would get a commodore's pay.

The CHAIRMAN. Under this law the Paymaster-General would not be provided with rank, while all the line officers who happened to be ordered to any particular duty would get it. What an anomaly it would be.

Mr. FOSS. If you strike out "line" and put in "Navy" you will suit the whole Navy?

Paymaster-General STEWART. Yes, sir.

Surgeon-General VAN REYPEN. The Paymaster-General and the Surgeon-General would have to pay their own house rent and the others would have an allowance for rent.

Mr. BUTLER. That can not be fair.

The CHAIRMAN. Chiefs of other bureaus and every other officer who happened to be there on duty for the time being would get quarters.

Mr. BUTLER. If this bill should happen to become a law—the chiefs of bureaus—would that include you?

Paymaster-General STEWART. Yes, sir.

Mr. BUTLER. Would it include you, Doctor?

Surgeon-General VAN REYPEN. Yes, sir.

Mr. BUTLER. You would not be allowed quarters and the others would be?

Surgeon-General VAN REYPEN. That is correct.

The CHAIRMAN. Any officer of the line who was assigned to duty similar to that under which the army code carries quarters with it would get quarters whether he was an ensign, lieutenant, or what, and all line chiefs of bureaus would get quarters, but the chiefs of the other bureaus would not get any?

Paymaster-General STEWART. You see this bill is to legislate only for the line.

The CHAIRMAN. There is the danger in that kind of legislation. Now, Mr. Surgeon-General, suppose we take up your corps.

Surgeon-General VAN REYPEN. The Paymaster-General has expressed my sentiments. We have nothing separate. We will be perfectly satisfied if the committee would act just as the Paymaster-General has suggested. We have no interest in connection with this bill that we do not have in common with the Pay Corps.

Mr. FOSS. There is a bill here relating to the organization of a hospital corps, I think?

Surgeon-General VAN REYPEN. Yes; and that I am very much interested in.

The CHAIRMAN. What is that? That is not the apothecaries' bill?

Surgeon-General VAN REYPEN. No, it is not.

The CHAIRMAN. What about that?

Surgeon-General VAN REYPEN. In the hospital-corps bill I want to get some trained nurses in the service. I want to get men in the service who can be appointed in the lowest grade where they come in as hospital apprentices.

The CHAIRMAN. That is this bill here?

Surgeon-General VAN REYPEN. Yes, sir; so that eventually we will have trained nurses in the service. The Secretary has allowed an ambulance ship for service during this war. The Secretary bought one and I am having it fitted up, and it will go to the Norfolk navy-yard Monday to be fitted as an ambulance ship to accompany the fleet in action and immediately take off the wounded men from the battle ships or monitors, wherever they may happen to be. She will fly the Geneva cross flag and immediately care for the wounded men that can not be cared for properly on the battle ships and monitors. I have been compelled, in order to get proper nurses for that ship, to ask permission of the Bureau of Navigation to enlist some trained nurses with the ratings of second-class ships' cooks.

The CHAIRMAN. Does this in any of its details embody the requirements of the apothecaries?

Surgeon-General VAN REYPEN. It does in a degree. The act the apothecaries wish to have passed makes every apothecary in the service have the rank of a warrant officer. This bill which I have proposed, with the entire approval of the Secretary, allows 25 of the present apothecaries—there are now 60 in the service—to be appointed warrant officers, and it allows the gradual promotion of young men who enlist as hospital apprentices from one grade to another until they have the possibility of being promoted as apothecaries. The men we will have will be educated for their service, and they will continue in the hospital corps, and they will eventually become trained nurses, and of trained nurses we have not now one in the Navy. We have to take in any kind of men we can get and make them nurses on board ship. They generally take men who are not of any use on deck and send them down to nurse men.

We have not trained nurses in the naval hospitals, and we have nothing but men whom we pick up hither, thither, and yonder, and we can not give them much pay. They are not enlisted and are not under proper discipline; they come when they please and go when they please. This bill is intended to avoid that difficulty. By means of this bill we can get young men who come in the service with the prospect of advancement. Now they have to go in as baymen at \$18 a month, and they never get beyond it, and consequently we can not get the men, and it is impossible to-day to get them to come in the service without the prospect of promotion. We have no second step for those men now, and I want to have something for them to look ahead to.

The CHAIRMAN. Do you think this bill will measurably meet the desires of a large portion of the people who have interested themselves in the apothecary's bill?

Surgeon General VAN REYPEN. It would. They have expressed themselves as satisfied with this bill.

The CHAIRMAN. Well, as a rule, I do not believe much myself in petitions worked up by organizations, and I wanted to get an expression from you.

Mr. BUTLER. Have you made an estimate of the increase of expense this would be?

Surgeon-General VAN REYPEN. I have; and I sent it with the bill. It was on the bill, I think. It would increase the present appropriation very little.

Mr. FOSS. You say there are about sixty apothecaries in the service?

Surgeon-General VAN REYPEN. Yes, sir.

Mr. FOSS. Now, the only difference between the apothecaries' bill and your proposition here, so far as the apothecaries are concerned, is this, as I understand it: That this bill provides that 25 of them shall have the rank, pay, and privileges of warrant officers, and the so-called apothecaries' bill provided that all of them should have that.

Surgeon-General VAN REYPEN. Yes, sir; all of them. I make it 25 instead of 60, because I did not consider it proper to have, for instance, an apothecary detailed to a vessel like the *Wheeling* or *Newport* to be as of high a rank as a warrant officer on board such small vessels. He would be out of place; he would be by himself; he would have no one to mess with, and no one for him to associate with, and he would have too high a rank to be on board a vessel of that class.

I would have the position of warrant apothecaries held by men who had done good service at sea and put them on shore duty in our hospitals and would have one warrant apothecary at sea for each flagship. I would not have an apothecary ranking as a warrant officer at sea except on a flagship. The positions of the warrant apothecaries would be held open for the advancement of those apothecaries who had done good and faithful service at sea and who were about ready to go on shore.

Mr. BUTLER. If you will allow me to read this memorandum which I find here attached to this proposed measure, sent in by the Surgeon-General, and he added:

Memorandum in regard to pay in connection with proposed hospital corps bill.

Present monthly pay:

Apothecaries, 90 at \$60 per month	\$5, 400
Baymen, 90 at \$18 per month	1, 620
	————— \$7, 020

Proposed monthly pay:

Pharmacists, 20 at \$75 per month	1, 500
Pharmacists, 5 at \$100 per month	500
Hospital stewards, 65 at \$60 per month	3, 900
Hospital apprentices, first class, 30 at \$24 per month	720
Hospital apprentices, 60 at \$18 per month	1, 080
	————— 7, 700

That you see is but an addition of a few hundred dollars. Now, where will the increased expense come in?

Surgeon-General VAN REYPEN. The total monthly pay now of the apothecaries and baymen is \$7,020, and the proposed monthly pay,

according to the hospital corps bill making 25 pharmacists ranking with warrant officers, etc., would be \$7,700 per month, a difference of \$580 a month.

Mr. BUTLER. It would be a little over \$7,000 a year?

Surgeon-General VAN REYPEN. Yes.

Mr. BUTLER. Then, as I understand, this bill would carry no additional pay except that of about \$7,000 a year?

Surgeon-General VAN REYPEN. That is all. Then we would be able to get trained nurses.

Mr. FOSS. Then you think with that amendment this bill would improve the service?

Surgeon-General VAN REYPEN. Decidedly. It would make happy the two sets of people who quarrel. We have not any quarrel, and if the other people are satisfied we will be delighted. In regard to the hospital corps, I will say they have one in the Army and have had it for ten years, and it has worked perfectly well, and we in the Navy have the poorest kind of nurses; I could not send an ambulance ship out with men whom we picked up on the streets; I had to get trained nurses, and there was no provision of law for them. We had to resort to a subterfuge and enlist them as second-class ship's cooks.

Mr. FOSS. That is what they are called.

Surgeon-General VAN REYPEN. Yes; and they are trained nurses; graduates of Bellevue Hospital training school for nurses, New York, and are rated on the ship's books as second-class cooks.

Thereupon the committee adjourned.

THE PROPOSED HOSPITAL-CORPS BILL.

[Memorandum for the Secretary of the Navy.]

The proposed hospital-corps bill for the Navy is modeled after the hospital-corps bill of the Army, which corps was established by an act approved March 1, 1887. It has placed the Medical Department of the Army on a footing of efficiency that is in marked contrast with the Medical Department of the Navy. In the Army there are now men enlisted, educated, and trained for the especial purpose of caring for sick, disabled, or wounded men. They have an esprit du corps, an aptitude for their work, and are zealous in the performance of their duties, having always before them the hope of promotion for efficient service in their own department.

The idea of a hospital corps for the Navy is not a new one. It has been advocated by the Bureau of Medicine and Surgery for many years, but for various reasons has always failed of accomplishment. With the advent of the new Navy and modern battle ships, antiseptic surgery, and higher medical education, the present organization, or lack of organization, of the attendants on sick and wounded men, ashore and afloat, is a constant source of regret and humiliation to the medical officers of the Navy. It is, however, the best we can do under the present laws and regulations. I may be pardoned for referring to just one incident of personal experience under present conditions. The vessel of which I was surgeon was steaming into port. The assistant surgeon was absent on leave. One of the assistant engineers slipped in the engine room, was caught in the machinery, and his thigh crushed

just above the knee, the bone broken, and all the soft parts crushed to a jelly. Immediate amputation of the thigh was necessary.

There was one apothecary and one nurse attached to the medical department. The nurse was a man who had been transferred from the force on deck. As soon as he saw the injury he ran away and hid himself. I had the injured officer moved to the steerage country, where I prepared to amputate, without any other assistance than that of the apothecary, to whom I gave the ether sponge after I had etherized the patient. At the first incision the apothecary fainted and fell on the deck. A lieutenant who had been looking down the hatch, seeing what had happened, came down and offered to assist me, but in a few moments he, too, had fainted and was lying on the deck alongside of the apothecary. Another lieutenant took his place, and with his assistance I completed the operation. The officer made a good recovery and went on the retired list. The possibility of such an occurrence should not exist in any well-regulated naval service, but it is liable to happen to any medical officer, more especially in time of war, under our present lack of organization. It could not happen after the establishment of a hospital corps with trained assistants.

Under present conditions our hospitals have very inefficient nursing service. The nurses are civilians receiving very small pay, and without any hope of increase. They are not under military discipline, and are too often shiftless or intemperate.

For service at sea the baymen are shipped by the Bureau of Navigation, which Bureau has certainly endeavored to get the best class of men possible under the circumstances, but in consequence of the limited force allowed they are sent to sea without adequate instruction and often prove inefficient and discontented when they see men of the deck force promoted for good service to positions of responsibility and increased pay, while for them there is no promotion.

The bill submitted for your consideration proposes the appointment of 25 pharmacists with the rank, pay, and privileges of warrant officers. This is considered a fair and just recognition of ability and faithful service and opens a grade for the advancement of a limited number of the present apothecaries, many of whom are graduates of a college of pharmacy, and all of whom would compare favorably in education and intelligence with the warrant officers now in the service. It is proposed to make them all available for sea service, but only to have one detailed for each flagship. They will alternate in sea and shore duty.

The hospital stewards will take the place of the present apothecaries at sea, on receiving ships, and at the smaller shore stations, and will eventually all be men promoted from the rate of hospital apprentice, first class.

Hospital apprentices, first class, will be men promoted from the rate of hospital apprentice, and will be the senior nurses at hospitals and on larger vessels and alone in vessels only entitled to one man having the present rate of bayman.

Hospital apprentices will be newly enlisted men, who will be the junior nurses at hospitals and on vessels where two baymen are at present allowed.

It is proposed to abolish the present rates of apothecary and bayman.

It is not intended to increase materially, if at all, the present number allowed, but the proposed organization will allow immediate expansion in case of war or sudden emergency, without in any way modifying or interfering with the general plan. It will immediately add about 200 men to the enlisted force of the Navy.

They will be appropriated for under the pay of the Navy, which will be increased by the amount necessary for the pay of enlisted men of various ratings.

The increase of pay attendant upon the promotion of 25 present apothecaries to the grade of warrant officer is but slight, as is shown in schedule annexed.

I can not too strongly urge your favorable consideration of the proposed plan of organization. It is due to the country as a progressive nation; it is due to the Navy to bring the Medical Department in accord with advancement in other departments; it is due to the officers and men of the service, who are entitled to careful and intelligent nursing when sick, disabled, or wounded, and it is due to the working force as a reward for faithful and conscientious work.

W. K. VAN REYPEN,
Surgeon-General United States Navy.

Memorandum in regard to pay in connection with proposed hospital-corps bill.

Present monthly pay:

Apothecaries, 90 at \$60 per month	\$5,400
Baymen, 90 at \$18 per month	1,620
	7,020

Proposed monthly pay:

Pharmacists, 20 at \$75 per month	1,500
Pharmacists, 5 at \$100 per month	500
Hospital stewards, 65 at \$60 per month	3,900
Hospital apprentices, first class, 30 at \$24 per month	720
Hospital apprentices, 60 at \$18 per month	1,080
	7,700

A bill to organize a hospital corps of the Navy of the United States, to define its duties, and regulate its pay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a hospital corps of the United States Navy is hereby established, and shall consist of pharmacists, hospital stewards, hospital apprentices, first class, and hospital apprentices; and for this purpose the Secretary of the Navy is empowered to appoint twenty-five pharmacists with the rank, pay, and privileges of warrant officers, and to enlist, or cause to be enlisted, as many hospital stewards, hospital apprentices, first class, and hospital apprentices, as in his judgment may be necessary, and to limit or fix the number, and to make such regulations as may be required for their enlistment and government. Enlisted men in the Navy or the Marine Corps shall be eligible for transfer to the hospital corps, and vacancies occurring in the grade of pharmacist shall be filled by the Secretary of the Navy by selection from those holding the rate of hospital steward.

SEC. 2. That all necessary hospital and ambulance service at naval hospitals, naval stations, navy-yards, and marine barracks, and on vessels of the Navy, Coast Survey, and Fish Commission shall be performed by the members of said corps, and the corps shall be permanently attached to the Medical Department of the Navy, and shall not be included in the effective strength of the Navy, nor be counted as a part

of the enlisted force provided by law, but shall be subject to the laws and regulations for the government of the Navy.

SEC. 3. That the pay of hospital stewards shall be sixty dollars a month; the pay of hospital apprentices, first class, twenty-four dollars a month, and the pay of hospital apprentices eighteen dollars a month, with the increase on account of length of service as is now or may hereafter be allowed by law to other enlisted men in the Navy.

SEC. 4. That all benefits derived from existing laws, or that may hereafter be allowed by law to other warrant officers or enlisted men in the Navy, shall be allowed in the same manner to the warrant officers or enlisted men in the hospital corps of the Navy.

SEC. 5. That all acts and parts of acts so far as they conflict with the provisions of this act are hereby repealed.

INDEX OF HEARINGS.

	Page.
Assistant Secretary Roosevelt	3
Lieut. A. L. Key	38
Passed Assistant Engineer W. M. McFarland	38, 72, 94
Lieut. H. C. Poundstone	72
Commander Joseph N. Hemphill	94
Commodore A. S. Crowninshield	106
Capt. A. H. McCormick	120
Commodore George W. Melville	143
Passed Assistant Engineer W. W. White	143
Gunner William Walsh	172
Assistant Naval Constructor F. B. Zahm	211
Maj. George B. Reid	218
Maj. Frank L. Denny	218
Paymaster-General Edwin Stewart	224
Surgeon-General W. K. Van Reypen	224

TABLE OF CONTENTS

Introduction 1

Chapter I 10

Chapter II 20

Chapter III 30

Chapter IV 40

Chapter V 50

Chapter VI 60

Chapter VII 70

Chapter VIII 80

Chapter IX 90

Chapter X 100

Chapter XI 110

Chapter XII 120

Chapter XIII 130

Chapter XIV 140

Chapter XV 150

Chapter XVI 160

Chapter XVII 170

Chapter XVIII 180

Chapter XIX 190

Chapter XX 200

Chapter XXI 210

Chapter XXII 220

Chapter XXIII 230

Chapter XXIV 240

Chapter XXV 250

Chapter XXVI 260

Chapter XXVII 270

Chapter XXVIII 280

Chapter XXIX 290

Chapter XXX 300

Chapter XXXI 310

Chapter XXXII 320

Chapter XXXIII 330

Chapter XXXIV 340

Chapter XXXV 350

Chapter XXXVI 360

Chapter XXXVII 370

Chapter XXXVIII 380

Chapter XXXIX 390

Chapter XL 400

Chapter XLI 410

Chapter XLII 420

Chapter XLIII 430

Chapter XLIV 440

Chapter XLV 450

Chapter XLVI 460

Chapter XLVII 470

Chapter XLVIII 480

Chapter XLIX 490

Chapter L 500

Chapter LI 510

Chapter LII 520

Chapter LIII 530

Chapter LIV 540

Chapter LV 550

Chapter LVI 560

Chapter LVII 570

Chapter LVIII 580

Chapter LIX 590

Chapter LX 600

Chapter LXI 610

Chapter LXII 620

Chapter LXIII 630

Chapter LXIV 640

Chapter LXV 650

Chapter LXVI 660

Chapter LXVII 670

Chapter LXVIII 680

Chapter LXIX 690

Chapter LXX 700

Chapter LXXI 710

Chapter LXXII 720

Chapter LXXIII 730

Chapter LXXIV 740

Chapter LXXV 750

Chapter LXXVI 760

Chapter LXXVII 770

Chapter LXXVIII 780

Chapter LXXIX 790

Chapter LXXX 800

Chapter LXXXI 810

Chapter LXXXII 820

Chapter LXXXIII 830

Chapter LXXXIV 840

Chapter LXXXV 850

Chapter LXXXVI 860

Chapter LXXXVII 870

Chapter LXXXVIII 880

Chapter LXXXIX 890

Chapter LXXXX 900

Chapter LXXXXI 910

Chapter LXXXXII 920

Chapter LXXXXIII 930

Chapter LXXXXIV 940

Chapter LXXXXV 950

Chapter LXXXXVI 960

Chapter LXXXXVII 970

Chapter LXXXXVIII 980

Chapter LXXXXIX 990

Chapter LXXXXX 1000

LEGAL REPRESENTATIVES OF CHAUNCEY M. LOCKWOOD.

MAY 19, 1898.—Laid on the table and ordered to be printed.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads,
submitted the following

ADVERSE REPORT.

[To accompany H. R. 5831.]

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 5831) for the relief of the legal representatives of Chauncey M. Lockwood, herewith submit the following unfavorable report to the House:

Your committee duly communicated with the Post-Office Department in relation to the relief asked for, and submit herewith a letter from Hon. James A. Gary, Postmaster-General, dated March 12, 1898; also a communication addressed to Hon. C. Cole, of California, dated May 4, 1870, and signed by the then Postmaster-General, Hon. John A. J. Creswell.

After due consideration your committee believe that the claim should not be allowed, and report the bill to the House with the recommendation that it lie upon the table.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 12, 1898.

SIR: Referring to your communication of the 14th ultimo, transmitting to this Department a copy of H. R. bill 5831, for the relief of the legal representatives of Chauncey M. Lockwood, and asking for such information as the Department may be able to give in the case and reasons as to why the claim in question was not settled by the Department under the general statute, I have the honor to inform you that the records of the Department show that Chauncey M. Lockwood was contractor on route 16637, Salt Lake City, Utah, to The Dalles, Oreg., during the period from October 1, 1868, to June 30, 1870. It is also shown that he made a claim for additional compensation, alleging that weight of mails was unduly increased during the existence of his contract, but as the contract required the contractor to transport the whole of the mail, whatever its size or weight or increase, during the term of the contract, the Department could not entertain the claim.

The claim has been the subject of much correspondence between the Department and various Committees on Post-Offices and Post-Roads, as it has been before Congress at least three times previously, viz, Forty-first Congress (S. R. 100, January

19, 1870), Forty-fourth Congress (S. 66, December 13, 1875), and Forty-eighth Congress (S. 1630, February 25, 1884). It has also been before the Court of Claims, and inquiry there elicited the information that a claim was filed for \$227,336.96 November 11, 1875, and was dismissed December 1, 1879, on the motion of the attorney for the claimant. During the four years it was in the court no attempt was made to prosecute the claim.

The within copy of letter of my predecessor, Hon. John A. J. Creswell, to Hon. C. Cole, of California, gives such a full statement of the case that I inclose it for your information.

Very respectfully,

JAS. A. GARY,
Postmaster-General.

CHAIRMAN OF SUBCOMMITTEE NO. 2 ON
POST-OFFICES AND POST-ROADS,
House of Representatives, Washington, D. C.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., May 4, 1870.

SIR: The "petition and accompanying papers of Chauncey M. Lockwood, praying for increased compensation for carrying the mail between Salt Lake City and The Dalles, Oreg., owing to the increased weight of the mail occasioned by action of Congress had subsequent to the award of his contract, by which printed matter formerly sent by sea was transferred to the route awarded to the petitioner," left by you at the Department have been examined, and agreeably to your verbal request the following statement is submitted:

Under an advertisement issued March 9, 1868, C. M. Lockwood was the lowest bidder for carrying the mails on the route in question, being from Salt Lake to The Dalles, 875 miles, six times a week and back, at \$149,000 per annum, service from October 1, 1868, to June 30, 1870, one year and three-quarters. The acceptance of the proposal was on the 15th of June, 1868, and on the 24th of August succeeding he executed a contract with sureties, as required by law. On the 17th of June, 1869, the service was curtailed to begin at Indian Creek, or Kelton, a point on the Central Pacific Railroad, just then completed, and the sum of \$18,732 per annum deducted from the pay, leaving it at \$130,268 per annum.

By the fourth section of an act of Congress approved March 25, 1864, it is provided "that all mailable matter which may be conveyed by mail westward, beyond the western boundary of Kansas, and eastward from the eastern boundary of California, shall be subject to prepaid letter-postage rates," and by act approved June 25, 1868, the above section is made "to cease and determine on and after the 30th day of September, 1868."

It is on this action of the legislative will that this claim is based, the allegation being that the removal of the charge of letter postage on printed mail matter caused so large an influx of such matter on the route as to double the weight previously carried, and on which the contractor had founded his calculations when making his bid. In support of his statement as to the increased weight of mails after the repeal of the act mentioned, the petitioner presents certificates of five postmasters in Oregon, all in the same language, saying that to their "own knowledge the weight and bulk of the mail matter was, within ten days after the 1st of October, 1868, increased; has continued to be more than double the amount daily, and oftentimes a much greater increase, up to this date."

A similar statement is made by the postmaster and two citizens of Boise, Idaho; but by no one is the bulk of the original mail given, so that an idea can be formed of the actual weight, either before or after the change in the law. Its weight may have been doubled, as alleged, and yet have imposed no severe burden on the horses and coaches which it is stated were employed in its conveyance. If, for instance, the mails were originally 100 or 200 pounds in weight, and were doubled by the operation of the repealing act of Congress, the whole weight would not have been more than is usually carried on a coach with four horses. In no event would they have so increased as to justify the extravagant sum claimed.

The stock once purchased, and the arrangements made for the conveyance of, say, 500 pounds of mail, it can not be pretended that a similar outlay is required for the conveyance of another 500.

It should be remembered, also, that heavy mails comprising public documents, magazines, books, and papers originate in the cities of the East, Washington, New York, etc., and are carried west, very few or none traveling from the West to the East, so that the return trips of this service could not have been overburdened from this cause. In proof that these postmasters, and particularly those of The Dalles,

Umatilla, and other places in Oregon, must have spoken hastily and at the dictation of others in stating that these mails were doubled in weight "within ten days after the 1st of October, 1868," it may be mentioned that the great chain of railroads across the continent was not then completed, and it was not possible for these extra mails to have reached those distant places from Washington, New York, etc., in ten days, the schedule time alone from Salt Lake to The Dalles being nine days, and a longer time must have been consumed in reaching Salt Lake.

As stated, the act repealing the fourth section of the act of March 25, 1864, passed June 25, 1868, and two months thereafter, viz, August 24, the petitioner executed a contract for the fulfillment of his obligations, by the first article of which he covenants with the United States "to carry said mail with certainty, celerity, and security, using therefor such means as may be necessary to transport the whole of said mail, whatever may be its size or weight, or increase, during the term of this contract."

With this detail of the facts it remains for Congress to say if this claimant is entitled to the relief he demands, or to any relief.

The petition and papers are herewith returned.

Respectfully, your obedient servant,

JNO. A. J. CRESWELL,
Postmaster-General.

Hon. C. COLE,
Of California, Senate.



The first of the three reports in this volume is a general report on the progress of the work of the Commission during the year 1890. It contains a summary of the work done in each of the three departments of the Commission, and a statement of the results of the work done in each of the three departments. The second report is a report on the progress of the work of the Commission during the year 1891. It contains a summary of the work done in each of the three departments of the Commission, and a statement of the results of the work done in each of the three departments. The third report is a report on the progress of the work of the Commission during the year 1892. It contains a summary of the work done in each of the three departments of the Commission, and a statement of the results of the work done in each of the three departments.

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POLICE FUND, ETC., DISTRICT OF COLUMBIA.

MAY 19, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. COWHERD, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany H. R. 10381.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10381) to amend the law providing for the police fund and firemen's relief fund of the District of Columbia, report the same back to the House with the recommendation that it be passed.

The law creating a relief fund and providing for the pensioning of police and firemen is found in the District appropriation bill of the Forty-eighth Congress (U. S. Stat., vol. 23, p. 316), and is as follows:

POLICE.

Provided, That hereafter the Commissioners shall deduct one dollar each month from the pay of each policeman, which sum so deducted shall be added to and form a part of the present police fund, be invested in United States or District bonds by the Treasurer of the United States, and be held by him subject to the drafts of the Commissioners for expenditures made in pursuance of law, and such expenditures shall be accounted for as required by law for other expenditures of the District; and said police fund shall be used for the relief of any policeman who, by injury received or disease contracted in line of duty, or having served not less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such injury or disease, leaving a widow or children under sixteen years, for their relief: *Provided further*, That such relief shall not exceed for any one policeman or his family the sum of fifty dollars per month; and a sum not exceeding seventy-five dollars may be allowed from said fund to defray the funeral expenses of any policeman dying in the service of the District.

FIREMEN.

Provided, That hereafter the Commissioners shall deduct one dollar each month from the pay of each fireman, which sum so deducted shall be kept as a firemen's relief fund, and be invested in United States or District bonds and held in manner provided in this act for the police fund, and shall be used for the relief of any fireman who, by injury received or disease contracted in line of duty, or having served not less than fifteen years, shall become so permanently disabled as to be discharged from service therefor; and in case of his death from such injury or disease, leaving a widow or children under sixteen years of age, for their relief: *Provided further*, That such relief shall not exceed for any one fireman or his family the sum of fifty dollars per month; and a sum not exceeding seventy-five dollars may be allowed from said fund to defray the funeral expenses of any fireman dying in the service of the District.

After some years' experience it was found that the funds provided for as above were not sufficient to meet the drafts upon the same, and in the Fifty-fourth Congress (U. S. Stat., vol. 29, p. 404) it was further increased by the following enactment:

Provided, That hereafter the Commissioners of the District of Columbia are hereby authorized and directed to deposit with the Treasurer of the United States, out of the receipts from the fines in the police court, a sum sufficient to meet any deficiency in the police fund or the firemen's relief fund.

The income from this last source of revenue varies greatly, and as the reports from the court for the present year show a largely diminished revenue, it is feared the relief fund may at any time prove insufficient. The present bill proposes to remedy this by taking from the District funds, derived from liquor license, a sum sufficient to meet any deficiency that may arise. It also provides a pension in proportion to the position the pensioner held in the service at the time of his discharge for disability or retirement.

The bill fixes an age limit of 60 years at which persons in the service may be retired, and gives them a pension upon such retirement, provided there has been continuous service for twenty years. This requires five years' longer service to obtain a pensionable status than the present law. The proposed bill reduces the size of the pensions that may be granted from \$50, as it now stands, to one-fourth of the salary received by the party at the time of his death or discharge for disability or retirement. As the force is now constituted, the salary received by members of the police and fire department and the limit of the pension they might receive under the present law are as follows:

	Present salary per month.	Pension at one-fourth of present salary.
POLICE.		
1 major and superintendent police.....	\$275.00	\$68.75
1 captain.....	150.00	37.50
3 lieutenants, inspectors.....	125.00	31.25
Lieutenants.....	110.00	27.50
31 sergeants.....	95.00	23.75
200 privates, class 2.....	90.00	22.50
300 privates, class 1.....	75.00	18.75
FIREMEN.		
1 chief engineer.....	166.66	41.66
1 fire marshal.....	83.58	20.89
1 clerk.....	75.00	18.75
2 assistant chief engineers.....	100.00	25.00
18 firemen.....	83.58	20.89
12 engineers.....	83.58	20.89
12 firemen.....	70.00	17.50
4 tillermen.....	70.00	17.50
18 hostlers.....	70.00	17.50
120 privates.....	66.66	16.66
8 watchmen.....	50.00	12.50

If there is any apparent injustice in the size of the pension that will be received under this bill by the firemen, in comparison with the police, it is due to the fact that the salary of the firemen is lower than is paid in the police service, although the work is more dangerous, and no less arduous. Should the salaries in these departments be hereafter more equitably adjusted, the amount thereafter paid to pensioners under this bill would be proportionately changed.

MISS M. O. CHAPMAN.

MAY 19, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, submitted the following

REPORT.

[To accompany H. R. 10420.]

The Committee on the Post-Office and Post-Roads, having had under consideration the bill (H. R. 4718) to release Miss M. O. Chapman, of Paulding, Miss., from a claim held over her by the Government, find the following facts:

Miss M. O. Chapman having some surplus funds on hand at the close of business on September 20, 1889, which should have been remitted by the strict regulations of the Department on September 21, did not as a matter of fact remit the same until September 22. The funds were, however, actually remitted upon the latter date, and were received at Meridian, Miss., and forwarded thence on the route. When the train containing the package arrived at a point near the town of Bucatunna, in Wayne County, Miss., it was boarded, under the leadership of one notorious train robber, Rube Burrows by name, and was rifled of all the money and registered mail and valuable express matter. Among other things taken was this package containing the \$212 of surplus funds sent from the office of Paulding. Your committee files herewith as a part of this report a letter from the Acting Assistant Attorney-General for the Post-Office Department addressed to your committee and dated February 15, 1898 (marked A), also a letter from the same authority addressed to the Hon. H. H. Bingham, chairman of the subcommittee to whom the consideration of this bill was referred, and dated April 11, 1898 (marked B).

From this latter communication it will be seen that the time having arrived within which the Government of the United States was forced to bring suit, or else lose by the bar of the statute its recourse against the bondsmen of Miss Chapman, suit was brought and Miss Chapman paid the amount of the claim under protest with the view of having Congress refund the amount, as it was confidently believed Congress would do, in consideration of the evidence in the case. That evidence showed, as may be seen by the letter of the Assistant Attorney-General for the Post-Office Department on March 11, that the money left Miss Chapman's hands, was actually remitted by her; was actually received at Meridian, a place of deposit, and was actually forwarded thence and taken from the train in the manner above described in this report.

Your committee believe that it would be not only a matter of right to refund this money to this innocent woman, who at worst had committed a violation of a technical regulation, but that it would be a monstrous denial of justice not to do so. We therefore recommend the passage of the bill for that purpose which accompanies this report as a substitute for H. R. 4718, a substitute having become necessary, because since the introduction of H. R. 4718 the money has been paid over by Miss Chapman to the Government.

Your committee also make a part of this report a letter dated March 17, 1898, addressed to the Hon. H. H. Bingham, chairman of the subcommittee, and signed by the Hon. John S. Williams, of Mississippi (marked C), the same containing a statement of the facts.

A.

OFFICE ASSISTANT ATTORNEY-GENERAL, POST-OFFICE DEPARTMENT,
Washington, February 15, 1898.

SIR: With reference to your communication of the 14th instant, transmitting a copy of a bill (H. R. 4718) for the relief of Miss M. O. Chapman, late postmaster at Paulding, Miss., I have the honor to furnish the following information for the use of the committee:

Miss Chapman filed in this office a claim for a credit on her money-order account of \$212, that being the amount of money-order funds alleged to have been remitted by her to the postmaster at Mobile, Ala., on September 23, 1889. It was ascertained on investigation that the package alleged to have contained the money was rifled while in transit by a railway postal clerk and the contents stolen.

The claim was disallowed for the reason that the money should have been remitted on September 21, 1889, having been the surplus funds on hand at the close of business on September 20. The regulations in force at the time required that surplus funds should be remitted daily, and it appeared probable that had the remittance been made when due the loss would not have occurred.

Very respectfully,

HARRISON J. BARRETT,

Acting Assistant Attorney-General for the Post-Office Department.

H. F. DODGE, Esq.,

Clerk of Committee on the Post-Office, etc., House of Representatives.

B.

POST-OFFICE DEPARTMENT,
OFFICE OF THE ASSISTANT ATTORNEY-GENERAL,
Washington, D. C., April 11, 1898.

SIR: In a communication addressed to the clerk of your committee February 15 ultimo, concerning a remittance of money-order funds made by Miss M. O. Chapman, postmaster at Paulding, Miss., September 23, 1889, I stated inadvertently that the package containing the remittance was stolen while in transit by a railway postal clerk, whereas it was stolen from the clerk by train robbers near Bucatunna, Miss.

It is proper to state in this connection that Miss Chapman has paid to the Government the amount lost (\$212), and that although the failure to remit in compliance with the regulations of the Department was a sufficient reason for the disallowance of her claim, the evidence in the case shows that the package alleged to have contained the remittance reached the post-office at Meridian, Miss., in course of transit, and was stolen after it was dispatched from that office.

Very respectfully,

HARRISON J. BARRETT,

Acting Assistant Attorney-General for the Post-Office Department.

Hon. H. H. BINGHAM,

*Chairman Committee on the Post-Office and Post Roads,
House of Representatives.*

C.

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 17, 1898.

DEAR SIR: I am informed by Mr. Loud, chairman of the Committee on the Post-Office and Post-Roads, that a certain bill introduced by me to release the claim of the United States Government against Miss M. O. Chapman, of Paulding, in Jasper County, Miss., has been handed over to you for investigation and report. The proper authorities in the Post-Office Department promised me to wait until Congress could have a reasonable opportunity to act upon the bill introduced. In the last day or so I have received letters from some of Miss Chapman's friends saying that the authorities had requested the immediate payment of the amount, and were going to take action at once unless it were paid, thus showing that they thought they had waited a reasonable time for the action of Congress.

The case is one about the justice of which there can be no question. This little woman received certain moneys at Paulding, which she sent by registered mail, and has receipts showing the package to have been received at Vossburg and at Meridian. It is shown that the packages left Meridian on their way to their destination. It is also shown that a train robber, by name Rube Burrows, held up the train at Bucatunna, in the county of Wayne, in the State of Mississippi, and rifled it of its express, money order, and registered mail contents. Now, the Department has decided that this little woman, poor as she is, absolutely unable to do it unless her friends raise the money for her by contribution, should pay back the sum of \$212, which was lost in the way which I have described. They base their contention upon the fact that she did not send off the money from Paulding upon the day upon which it was received as she ought to have done, and upon the fact that if she had done this it would have passed Bucatunna before Burrows held up the train.

The post-office authorities whom I interviewed when I first took up this matter, who had succeeded those who had made the decision, did not feel at liberty to reverse the decision of their predecessors, although the Attorney-General for the Post-Office Department (at the time, by name Mr. Thomas), assured me that he thought the decision wrong. Please report the bill which was introduced by me, which was merely to relieve this woman of the claim held over her by the United States Government. If I can get it reported, I think I can get Mr. Reed to recognize me for its passage. The papers in the case are on file at the office of the Sixth Auditor for the Post-Office Department in the Bush Building. It needs an order of the committee to get them.

I am, with every expression of regard, yours, very truly,

JOHN S. WILLIAMS.

Hon. H. H. BINGHAM,
House of Representatives, Washington, D. C.



MRS. BAKER AND FAMILY.

MAY 19, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, submitted the following

REPORT.

[To accompany H. Res. 171.]

The Committee on the Post-Office and Post-Roads, to whom was referred joint resolution (H. Res. 171) for the relief of Mrs. Baker and family, of Lake City, S. C., submit herewith a letter from the Postmaster-General, Hon. Charles Emory Smith, relating to the matter (the same being in response to a request from your committee for information), and would report the resolution to the House with the recommendation that it do pass.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., May 12, 1898.

SIR: In response to your request for information concerning the murder of the postmaster at Lake City, S. C., I beg to say that on the night of February 21, 1898, a mob surrounded the post-office at Lake City, set the building on fire, and when the postmaster and his wife and children endeavored to escape from the burning building they were shot. The postmaster and one child were instantly killed, and the wife and two other children were seriously wounded. I am advised that a charitable institution at Charleston took care of the survivors during the serious illness resulting from their wounds; that they have now been discharged from this institution, and are without any means of support, and are dependent upon public charity for subsistence. The evidence before the Department shows that the postmaster and his family were innocent of any offense to the community other than that of his holding the office of postmaster by appointment of the Government.

Very respectfully,

CH. EMORY SMITH, *Postmaster-General.*

Hon. E. F. LOUD,

Chairman Committee on the Post-Office and Post-Roads, House of Representatives.

THE JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION

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REPORT

On the
Progress of the
American Medical Association

The American Medical Association has been organized for the purpose of promoting the interests of the medical profession and the public. It has been successful in its efforts to secure the recognition of the medical profession as a distinct and independent body, and in its efforts to secure the recognition of the medical profession as a distinct and independent body. It has been successful in its efforts to secure the recognition of the medical profession as a distinct and independent body, and in its efforts to secure the recognition of the medical profession as a distinct and independent body.

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Respectfully,
The American Medical Association

BESSIE McALESTER McGUIRK.

MAY 19, 1898.—Laid on the table and ordered to be printed.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads,
submitted the following

ADVERSE REPORT.

[To accompany H. R. 2679.]

The Committee on the Post-Office and Post-Roads, to whom was referred House bill 2679, being a measure for the relief of Bessie McAlester McGuirk, have had the same under consideration and report the same to the House with the recommendation that the bill lie upon the table.

Appended hereto will be found letters from the First Assistant Postmaster-General, Hon. Perry S. Heath, relative to the matter.

POST-OFFICE DEPARTMENT,
OFFICE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, April 11, 1898.

SIR: Replying to your communication to this office, dated the 7th instant, with reference to the above subject, I have to inform you that Miss Bessie McAlester served as postmaster at Florence, Ala., from February 1, 1887, to October 31, 1889. Her office during that period belonged to the third-class, and the receipts of the same were as follows:

Four quarters ended March 31—

1888	\$3, 686
1889	5, 064
1890	8, 128

During her term as postmaster she received an allowance of \$150 per annum for clerk hire, which was a liberal allowance for the amount of labor performed of a character which, under the law, justified an allowance by the Department. The law then, as now, restricted the allowance for clerk hire at third and fourth class offices to payment for separating mail for star routes, etc.

I inclose herewith a copy of a letter from Miss McAlester, dated January 17, 1889, requesting an increase in her allowance for clerk hire, the same being the only letter on file addressed to this office by Miss McAlester with reference to this subject.

Very respectfully,

PERRY S. HEATH,
First Assistant Postmaster-General.

Mr. H. F. DODGE,
*Clerk of Committee on the Post-Office and Post-Roads,
House of Representatives.*

JANUARY 17, 1889.

SIR: I write to you to help me immediately out of my trouble. The mail in my office was so increased in the last sixty days that I have to keep three clerks, and this leaves me little or nothing of my salary; and if the increase is as great in the next thirty days we will have to have more help.

Last month I doubled the number of boxes and now have to order more. This is all at my expense, and compels me to go in debt. I work constantly myself. \$12.50 is my allowance for a clerk.

Please give this your immediate attention. Besides going more deeply in debt every day, I feel as though my office is not conducted as it should be.

Very respectfully,

BESSIE MCALESTER,
Florence, Ala.

The POSTMASTER-GENERAL, *Washington, D. C.*

POST-OFFICE DEPARTMENT,
OFFICE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 17, 1898.

SIR: Referring to communication of Mr. H. F. Dodge, clerk of committee, of the 14th instant, in which he incloses copy of H. R. 2679 for the relief of Bessie McAlester McGuirk, late postmaster at Florence, Lauderdale County, Ala., I have the honor to report that the above claimant served as postmaster at Florence for the period from February 1, 1887, to October 31, 1889. During that period her annual allowance for separating clerk hire was \$150, a liberal allowance for the work performed, all of which she received.

She was entitled to an allowance for rent, fuel, and light for the period from July 1, 1888, to October 31, 1889, all of which she received, except for the quarter ended September 30, 1888. The only amount, therefore, justly due her is for rent, fuel, and light for the quarter ended September 30, 1888, in the sum of \$23.75. Other than this I can not recommend.

Very respectfully,

PERRY S. HEATH,
First Assistant Postmaster-General.

Hon. EUGENE F. LOUD,
*Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.*

○

SALARY OF POSTMASTER AT WASHINGTON, D. C.

MAY 19, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, submitted the following

REPORT.

[To accompany S. 2917.]

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (S. 2917) fixing the salary of the postmaster at Washington, D. C., submit the following report:

Your committee having communicated with the Postmaster-General and received the accompanying letter regarding this measure, report the bill to the House with the recommendation that the same do pass.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., January 20, 1898.

SIR: I beg to acknowledge receipt of your favor of the 19th instant inclosing House bill 4747, which provides that the salary of the postmaster at the city of Washington, D. C., shall be \$6,000 per annum, beginning the 1st day of July, 1898.

In this connection I desire to draw your attention to the following facts submitted in my letter of the 13th instant to the Committee on Post-Office and Post-Roads, United States Senate:

Date.	Gross receipts.	Number clerks.	Carrier stations	Sub-stations.	Stamp agencies.
1882-83	\$292,756	160	2	4	23
1894-95	586,866	303	6	34	42

By the act of March 3, 1883 (par. 4, 22 Stat. L., 602), embodied in Postal Laws and Regulations, section 409, edition of 1893, the compensation of the postmaster at Washington, D. C., was fixed at \$5,000 per annum, when on the basis of the gross receipts of the office at that time (\$292,756) the salary would have been placed, under section 410, Postal Laws and Regulations, edition of 1893, at \$3,700 per annum. It was clearly the intention of the act above referred to to increase the salary of the postmaster at Washington to the extent of \$1,300 per annum to provide for the increased service performed by him in view of the large amount of Governmental franked mail matter then handled through his office. Since 1883 the gross

receipts of the Washington office have increased \$294,110.42, or 101 per centum. The commercial matter revenue of the Washington post-office to-day entitles the postmaster to a salary of \$5,000 per annum, and on this basis, plus \$1,300 increase in the year 1883, allowed the postmaster at that time, the salary would reach \$6,300 per annum, irrespective of the increase in governmental franked matter from that period.

In addition to the information shown above, the bond of the postmaster was increased on November 11, 1894, from \$100,000 to \$200,000. The postmaster at Washington, D. C., has always on hand a supply of postal cards amounting to between \$200,000 and \$300,000 for distribution to other offices.

In report of the Postmaster-General for the fiscal year ended June 30, 1895, appeared a tabulated statement showing the registry business of the Washington City post-office as ranking third in the United States. Chicago, the second city in the United States in point of gross receipts, handled 3,272,677 packages during the fiscal year, and Washington, D. C., 2,944,173 packages. The value of the governmental business passing through the Washington City registry division amounted to \$698,250,862.82. In addition, commercial pieces to the value of several millions of dollars were also handled.

A fair guide by which to arrive at the amount of business carried on by the Washington City post-office can be secured by comparison with clerk hire allowance and number of men employed at several of the \$6,000 offices. Comparative statement is shown below:

Office.	Salary of post-master.	Gross receipts.	Number clerks.
Buffalo, N. Y.....	\$6,000	\$650,743	138
Pittsburg, Pa.....	6,000	642,797	156
Cleveland, Ohio.....	6,000	614,584	119
Washington, D. C.....	5,000	586,866	303

If the clerical force and the gross receipts of the Buffalo post-office are used as a factor, then the gross receipts of the Washington post-office on a basis of commercial rates would amount to \$1,428,645; if Pittsburg is taken, the gross receipts would be \$1,248,360; Cleveland, \$1,564,692.

You, of course, are familiar with the present law, which provides that when the gross receipts of an office exceed \$600,000 the salary of the postmaster shall be fixed at \$6,000 per annum.

In view of the foregoing facts, the salary of the postmaster at Washington should, in my opinion, be at least \$6,000.

I shall be very glad to furnish you any additional information that you may desire in regard to this matter.

Very respectfully,

JAS. A. GARY, *Postmaster-General.*

Hon. HENRY H. BINGHAM,
Committee on the Post-Office and Post-Roads, House of Representatives.

GEORGE RITCHEY.

MAY 19, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads, submitted the following

REPORT.

[To accompany H. R. 6100.]

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 6100) for the relief of George Ritchey, late postmaster at Leavenworth, Kans., have communicated with the Department upon the subject-matter contained therein, and, after due consideration, would herewith report the same to the House with the recommendation that it do pass.

Below will be found letter from the acting assistant attorney-general of the Post-Office Department in relation to the matter, and strongly recommending that the measure do pass.

OFFICE ASSISTANT ATTORNEY-GENERAL, POST-OFFICE DEPARTMENT,
Washington, April 12, 1898.

SIR: I have the honor to acknowledge the receipt, by reference from the First Assistant Postmaster-General, of a request from subcommittee No. 2, of the committee of which you are chairman, for information as to the facts in the case of George Ritchey, late postmaster at Leavenworth, Kans. You inclose a copy of a bill (H. R. 6100) introduced by Mr. Broderick, refunding to the said George Ritchey the sum of \$123.65, being the sum paid out by him in the defense of a prosecution against him as postmaster, involving the validity of the antilottery law.

It appears from the records of this office that in the fall of 1890 the Leavenworth (Kans.) Times published in its issues for mailing certain advertisements of the Louisiana Lottery Company. The postmaster at Leavenworth, George Ritchey, was instructed to notify the publisher of the Leavenworth Times that such publication was in violation of the antilottery law, and that future issues of his paper containing similar advertisements or notices would be refused admission to the mails if presented at the post-office for mailing.

Later the same paper published a list of prizes awarded as the result of a lottery conducted by a church fair in that city. The postmaster reported the facts to the Department, and was instructed to refuse admission to the mails of copies of the paper containing such notices. The postmaster obeyed these instructions, and for his action suit was brought against him by the Times Publishing Company in the sum of \$10,000

Instructions were issued by the Attorney-General to the district attorney at Topeka, Kans., to defend the postmaster in the suit brought against him. It was found, however, that the district attorney was unwilling to defend the postmaster, owing to his misconception of and prejudice against the law brought into question, and the postmaster accordingly, at the instance of this Department, employed private counsel for his defense.

The United States employs its attorneys to defend actions against the United States and its officers. The case in question is peculiar, and, fortunately, of a kind not often arising. While in this case the district attorney could have been peremptorily ordered to defend the postmaster, it was feared that a defense conducted by an attorney prejudiced against the case would hardly be productive of results favorable to the Government. The postmaster was justified in employing private counsel, and did so at the suggestion of this Department.

You ask why this claim was not settled under the general statute. I reply that there is not now, nor has there ever been, any authority of law or any appropriation for the settlement of such claims by the Department. As I have stated, it is a peculiar case—the only one of the kind that has ever, to my knowledge, occurred. The postmaster was told at the time that recommendation would be made to Congress to have the amount refunded to him. I am not aware that this was ever done.

Under the circumstances, I believe the bill for the relief of George Ritchey (H. R. 6100) to be entirely just and proper, and strongly recommend that it be passed.

Very respectfully,

HARRISON J. BARRETT,

Acting Assistant Attorney-General for the Post-Office Department.

Hon. E. F. LOUD,

Chairman Committee on the Post-Office and Post-Roads, House of Representatives.



HENRY D. SMITH.

MAY 19, 1898.—Laid on the table and ordered to be printed.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads,
submitted the following

ADVERSE REPORT.

[To accompany H. R. 7925.]

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 7925) for the relief of Henry D. Smith, of Basic City, Va., having had the same under consideration, submit the following report:

Below will be found a communication from the present Postmaster-General, Hon. Charles Emory Smith, accompanied by several communications, all touching upon the matter at issue.

Your committee believe from an investigation of the case and an examination of the papers on file relating thereto that the claim should not be allowed, and report the bill to the House with the recommendation that it lie on the table.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., April 25, 1898.

SIR: I have to acknowledge the receipt of your communication of the 22d instant, in which you inclose House bill No. 7925 for an opinion as to its merits, and requesting a statement as to the efforts made by the Department to secure a settlement.

In reply I have the honor to inform you that the Department understands this case to be as follows:

Mr. H. D. Smith was the mail messenger of record at the time covered by this claim, July 20, 1882, to January 30, 1884, between the Waynesboro post-office and the Shenandoah Valley Railroad depot at Waynesboro Junction, at the rate of his bid, \$168 per annum, at which rate he has been paid for the performance of such service. He claims to have performed transfer service between the depots of the Chesapeake and Ohio Railroad Company at Waynesboro and the Shenandoah Valley Railroad Company at Waynesboro Junction. He was not, however, required to perform direct transfer service between the depots as mentioned above.

It would seem that if this direct transfer service was performed by Mr. Smith it was without the authority of the Second Assistant Postmaster-General, and no payment can therefore be made to him for performing such service.

The distance between the Chesapeake and Ohio Railroad depot at Waynesboro and the post-office at that place was 1,063 feet, and an agent being employed, the carrying of mail between these points therefore devolved on the Chesapeake and Ohio Railroad Company.

Mr. Smith, the Department messenger, was required by his contract to perform service (as many trips as necessary) between the post-office at Waynesboro and the Shenandoah Valley Railroad depot at Waynesboro Junction. The transfer service, therefore, could have been performed by Mr. Smith, performing service in accordance with his contract as Department messenger between the Shenandoah Valley Railroad depot at Waynesboro Junction and the Waynesboro post-office, and the Chesapeake and Ohio Railroad Company performing the service between the Waynesboro post-office and its station.

The Postal Laws and Regulations provide that no payment can be made for the performance of mail-messenger service unless it shall have been first authorized by the Second Assistant Postmaster-General.

In connection with this case I have to inclose you copies of the following letters, addressed to Hon. J. Yost, dated February 1, 1898, and April 29, 1897, and to Messrs. Craig & Curry, dated September 28, 1889.

Very respectfully,

CH. EMORY SMITH,
Postmaster-General.

Hon. E. F. LOUD,
Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 1, 1898.

SIR: I have to acknowledge the receipt of your communication of the 25th ultimo, inclosing letter dated November 11, 1897, from Mr. Hugh L. Gallagher, of Richmond, Va., addressed to Mr. H. D. Smith, of Basic City, Va., and one dated January 22, 1897, addressed to yourself, relating to pay for the carrying of mail between the Shenandoah Valley Railway depot at Waynesboro Junction and the Chesapeake and Ohio Railway depot at Waynesboro, Va., during the period from July 20, 1882, to January 30, 1884.

In reply, I have the honor to inform you that this matter has been carefully examined into a number of times by this office, and the records on the case preclude the payment of any sum for the service which Mr. Smith claims to have performed.

In this connection, you will find inclosed copies of letters to yourself and to Messrs. Craig & Curry, of Staunton, Va., dated April 29, 1897, and September 28, 1889, respectively, in reply to former applications from Mr. Smith for pay for service between the points named during the period above mentioned.

Very respectfully,

W. S. SHALLENBERGER,
Second Assistant Postmaster-General.

Hon. J. YOST,
House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., April 29, 1897.

SIR: I have to acknowledge the receipt of the letter of the 23d instant, from Mr. H. D. Smith, of Basic City, Va., asking for pay for the performance of transfer service between the Shenandoah Valley Railroad depot at Waynesboro Junction and the Chesapeake and Ohio Railroad depot at Waynesboro, for the period from July 20, 1882, to January 30, 1884, referred by you to this office.

In reply I have the honor to inform you that during the period mentioned above, Mr. Smith was mail messenger of record between the post-office at Waynesboro and the Shenandoah Valley Railroad depot at Waynesboro Junction, at the rate of \$168 per annum, the amount of his bid for such service. He was not, however, required to make any direct transfers between depots, and it does not appear that this office authorized the employment of direct transfer service between the points named.

The Department must therefore decline to allow any compensation for the service alleged to have been performed by Mr. Smith between the depots of the Shenandoah Valley Railroad and the Chesapeake and Ohio Railroad.

Very respectfully,

W. S. SHALLENBERGER,
Second Assistant Postmaster-General.

Hon. J. YOST,
House of Representatives.

POST-OFFICE DEPARTMENT,
OFFICE SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., September 28, 1889.

GENTLEMEN: In reply to your letter of the 30th ultimo, submitting a communication from Henry D. Smith, asking that he be allowed \$900 for transferring the mails between the Shenandoah Valley Railroad and the Chesapeake and Ohio Railway, while he was mail messenger at Waynesboro, Va., you are informed that Mr. Smith was designated as messenger to perform all service required between the post-office at Waynesboro, Va., and the Shenandoah Valley Railroad.

Under the designation, therefore, he was required to take any and all mails coming from that road to the post-office, whether they were through mails or only destined for that office.

He was not, however, required to carry the mails between the post-office at Waynesboro and the Chesapeake and Ohio Railway station, distant 1,063 feet, as it was the duty of that railroad company to provide for the carriage of the mails between said points.

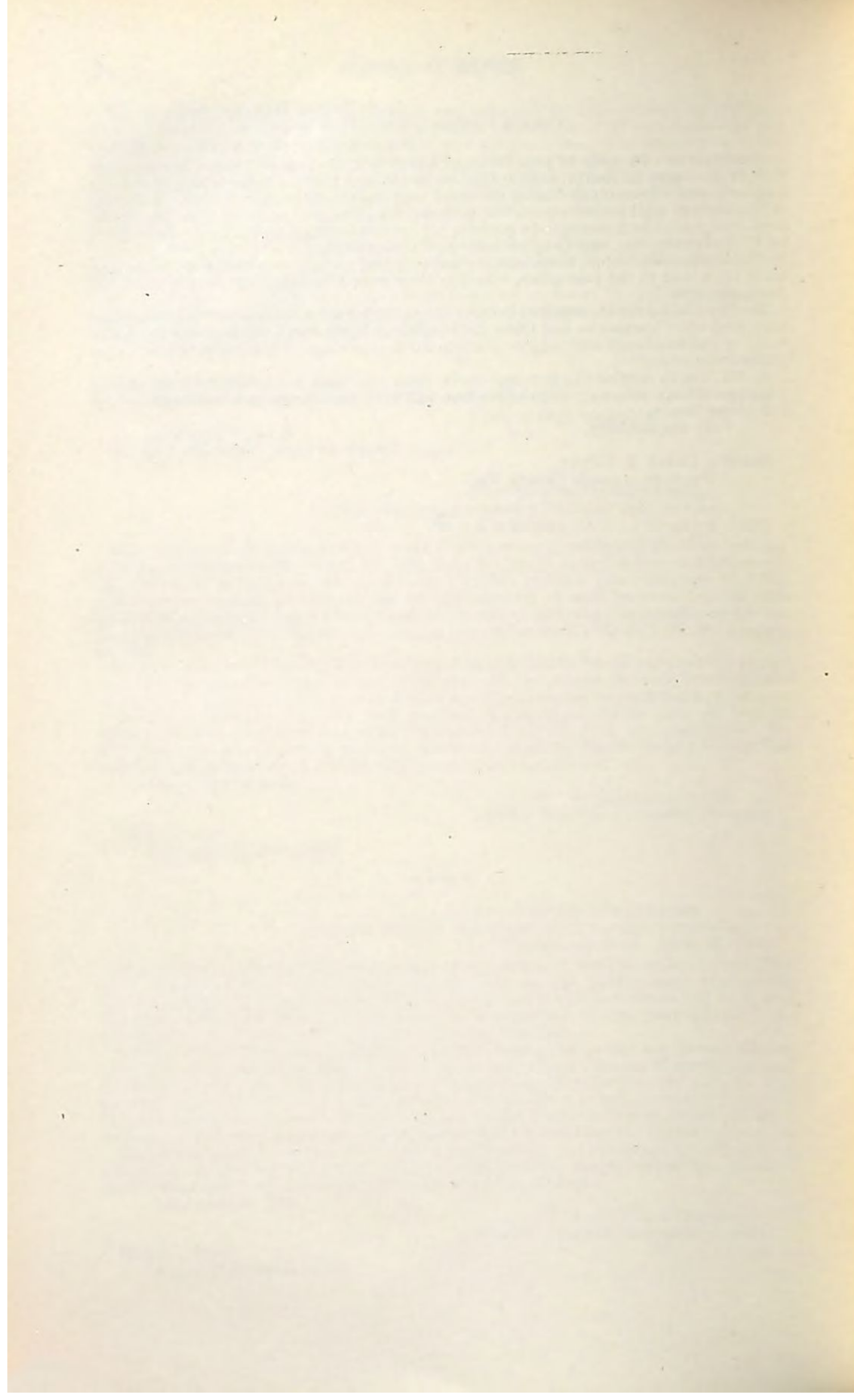
If Mr. Smith carried the through mails from one road to the other direct, it was wholly without authority from this office, and such service can not be recognized by the Department.

Very respectfully,

S. A. WHITFIELD,
Second Assistant Postmaster-General.

MESSRS. CRAIG & CURRY,
Staunton, Augusta County, Va.

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M. D. CROW.

MAY 19, 1898.—Laid on the table and ordered to be printed.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads,
submitted the following

ADVERSE REPORT.

[To accompany H. R. 7300.]

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 7300) for the relief of M. D. Crow, late postmaster at Pueblo, in the State of Colorado, have duly considered the same and submit this unfavorable report thereon.

Below will be found a letter from the First Assistant Postmaster-General relating to the subject, and your committee have agreed to report the bill to the House with the recommendation that it lie upon the table.

POST-OFFICE DEPARTMENT,
OFFICE FIRST ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., February 17, 1898.

SIR: Referring to communication from Mr. H. F. Dodge, clerk of committee, dated the 4th instant, inclosing copy of House bill 7300, for the relief of Mr. M. D. Crow, late postmaster at Pueblo, Colo., and requesting a report on the same, I have the honor to report that Mr. Crow served as postmaster at Pueblo during the period from April 1, 1885, to June 30, 1889.

The records of the office of the Auditor for the Post-Office Department show that he expended during that year for clerk hire in excess of his allowance the sum of \$884.55; for fuel and light, \$86.13; for advertising, \$36.68; for stationery, \$2.76; and for miscellaneous items, \$22.50, a total expense of \$1,032.62, for which he has never received credit.

Inasmuch as the amounts received by Mr. Crow, late postmaster, for clerk hire, fuel and light, etc., were extremely liberal and were considered at that time amply sufficient for the requirements of his office, I can not recommend that the claim be allowed at this time.

Very respectfully,

PERRY S. HEATH,
First Assistant Postmaster-General.

Hon. EUGENE F. LOUD,
*Chairman Committee on the Post-Office and Post-Roads,
House of Representatives.*

ORIGINAL ARTICLES

THE EFFECT OF THE INFLUENZA VIRUS ON THE RESPIRATORY SYSTEM

BY DR. J. H. HAY
CHICAGO, ILL.

INTRODUCTION

THE INFLUENZA VIRUS

The influenza virus is a small, spherical, non-enveloped virus. It is composed of a protein coat and a nucleic acid core. The protein coat is made up of two subunits, each of which is further divided into two parts. The nucleic acid core is made up of eight segments of RNA. The influenza virus is highly contagious and can be transmitted through the air, direct contact, or contact with contaminated surfaces. It is the cause of the common cold, the flu, and other respiratory illnesses.

The influenza virus enters the body through the nose or mouth. It then travels through the respiratory tract, where it can cause inflammation and damage to the cells. The virus can also enter the bloodstream and travel to other parts of the body. The immune system responds to the virus by producing antibodies and activating white blood cells. These cells then attack and destroy the virus, helping to clear the infection. However, in some cases, the virus can cause more serious complications, such as pneumonia or sinusitis.

THE INFLUENZA VIRUS

THE INFLUENZA VIRUS

JOSEPH C. HOGAN.

MAY 19, 1898.—Laid on the table and ordered to be printed.

Mr. BINGHAM, from the Committee on the Post-Office and Post-Roads,
submitted the following

ADVERSE REPORT.

[To accompany H. R. 6330.]

The Committee on the Post-Office and Post-Roads, to whom was referred the bill (H. R. 6330) for the relief of Joseph C. Hogan and sureties, of North Carolina, submit the following report:

Accompanying will be found a letter from the Postmaster-General, Hon. James A. Gary, dated March 16, 1898, relating to this matter, and setting forth the principal facts in the case. However, it is but fair to state to the House that while this letter is all that the committee submit on the matter, they have carefully gone into a large mass of matter touching upon this case (which has been before Congress in one form or another for the past ten years), examining the details set forth by representatives of the claimant, and after such investigation have agreed to report the bill to the House with the recommendation that it lie upon the table.

POST-OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER-GENERAL,
Washington, D. C., March 16, 1898.

SIR: Your communication transmitting a copy of H. R. 6330, Fifty-fifth Congress, second session, being a bill for the relief of Joseph C. Hogan and sureties against losses sustained as the result of discontinuance of service on mail route No. 46185, Nevada City to Washington, Cal., contract term July 1, 1878, to June 30, 1882, has been received and the merits of the case carefully considered.

The ground taken by Mr. Hogan and his sureties seems to be that such discontinuance was unlawful and unjust.

Under date of November 1, 1877, an advertisement was issued inviting proposals for service in California and other States, the above-described route being among the number. Proposals were invited for service on this route once a week. As a part of the advertisement full instructions were given to bidders, a portion of which reads as follows:

“The Postmaster-General may also discontinue or curtail the service in whole or in part in order to place on the route superior service, or whenever the public interest, in his judgment, shall require such discontinuance or curtailment for any cause, he allowing as full indemnity to contractor one month’s extra pay on the

amount of service dispensed with and a pro rata compensation for the amount of service retained and continued."

Under this advertisement Mr. Hogan submitted a bid at \$388 per annum, and the route was awarded to him at that rate, he being the lowest bidder for the service as advertised. In due course of time a contract was executed by him for the performance of the service in accordance with his bid.

Among other stipulations in his contract was this, viz, that the Postmaster-General might discontinue or extend this contract, change the schedule or termini of the route, and alter, increase, decrease, or extend the service in accordance with law, he allowing pro rata increase of compensation for any additional service thereby required, etc., and in case of decrease, curtailment, or discontinuance of service allowing as a full indemnity to said contractor one month's extra pay on the amount of service dispensed with and a pro rata compensation for the service retained.

In May, 1878, and before service commenced under the contract, the Department was petitioned for three-times-a-week service on the route. To increase the service to three times a week on the basis of Mr. Hogan's bid would have involved an additional cost of \$776 per annum, or a total cost of \$1,164 per annum for three-times-a-week service. Instead, therefore, of increasing the service under Mr. Hogan's contract, the Department deemed it expedient to exercise its right to enter into contract with another person at a lower rate of pay for three-times-a-week service, and a contract was accordingly ordered with Mr. L. R. Prescott at \$600 per annum for that frequency of service. The contract with Mr. Hogan was at the same time discontinued and he was allowed one month's extra pay as full indemnity under the law and his contract.

Very respectfully,

JAS. A. GARY,
Postmaster-General.

Hon. E. F. LOUD,
*Chairman Committee on the Post-Office and Post-Roads,
House of Representatives, Washington, D. C.*



ABANDONED STREET RAILWAY TRACKS IN THE DISTRICT
OF COLUMBIA.

MAY 19, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. BABCOCK, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany S. 914.]

The Committee on the District of Columbia, to whom was referred the bill (S. 914) to compel street railway companies in the District of Columbia to remove abandoned tracks, and for other purposes, after careful consideration of the subject, report the bill back to the House with the recommendation that it do pass with the following amendments:

Page 1, line 5, after the word "been," insert the word "regularly," and after the word "purposes" add the words "upon a schedule approved by the Commissioners;" so that the same will read, "shall not have been regularly operated for railway purposes upon a schedule approved by the Commissioners."

Page 1, line 11, strike out the word "president" and insert in lieu thereof the word "directors."

Also add the following:

SEC. 2. That on and after one year from the passage of this act it shall be unlawful for any street railway company, operating its system or parts of its system over lines owned and operated by another street railway company in the city of Washington, to continue such operation or to enter into reciprocal trackage relations with any other company, as provided for under existing law, unless its motive power for the propulsion of its cars shall be the same as that of the company whose tracks are used or to be used. For every violation of this act the company violating it shall be subject to a fine of ten dollars, to be collected and applied in the same manner as is provided by existing laws in respect of other fines in the District of Columbia.

SEC. 3. That all street railway companies within the District of Columbia, now operating their systems or parts of their systems in the city of Washington by use of the tracks of one or more of such companies, under a reciprocal trackage agreement, as provided for under existing law, which shall be compelled by reason of the passage of this act to discontinue the use of the tracks of another company, shall issue free transfers to their patrons from one system to the other at such junctions of their respective lines as may be provided for by the Commissioners of the District of Columbia.

SEC. 4. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

The amendments suggested to the Senate bill by this committee in relation to compelling street railway companies using the tracks of rapid-transit companies under the reciprocal trackage arrangement either to adopt the same method of motive power within one year from the date of the passage of this act or to cease using these lines in the operation of their systems, and to establish a system of free transfers at such junctions of their roads with the rapid-transit lines as may be provided for by the Commissioners, will remedy a long-existing injustice to the travelers on the underground electric systems in the city of Washington.

Under the existing law the rapid-transit lines are compelled to enter into an agreement whereby certain horse-car companies are allowed the use of certain portions of their tracks, often causing serious delays by reason of their antiquated methods of operation, and it has long been urged by the general public that this matter should be adjusted, giving free and uninterrupted use of their entire systems to the rapid-transit lines in the city.



BUILDING LINES ON CERTAIN STREETS IN THE DISTRICT
OF COLUMBIA, ETC.

MAY 19, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. BABCOCK, from the Committee on the District of Columbia,
submitted the following

REPORT.

[To accompany H. R. 10106.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10106) to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes, after careful consideration of the same, report the bill back to the House with the recommendation that it do pass.

This bill was prepared by the Commissioners of the District of Columbia and introduced into the House at their request. It has the unanimous approval of the committee, and the following communication from the Commissioners, which your committee incorporate as a part of their report, will fully explain the desirability of the proposed legislation:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 23, 1898.

DEAR SIR: The Commissioners have the honor to transmit herewith a draft of a bill to provide for the establishment of building lines on certain streets in the District of Columbia, and for other purposes, and recommend early and favorable action thereon.

During past years, on a number of occasions, citizens of the District have desired to establish building lines upon some of the narrow streets where the lots were deep. It is evident that, without compulsory legislation, where one or two residents in a block refuse to accede to such building lines the efforts of the remaining property owners are in vain, since it is necessary that all the buildings in one square should be on one line. Hence in a number of instances efforts made by owners to establish building lines have proved abortive through the lack of cooperation of one person.

On a number of streets in the northwest section of the city building lines have been established along a portion of a street by the concurrence of the land owners, and the streets, though narrow, present a handsome appearance, with ample width of roadway, sidewalk, and parking; while a few squares farther along, where the property owners did not establish such line, the appearance of the street and its sanitary condition is badly marred. The bill submitted is designed to remedy this condition of affairs.

As a general rule where lots are deep it is believed that the establishment of the building line would work no hardship to the land owners. But there are instances

of corner lots where the establishment of building lines on two streets abutting would take away so much of the land as to render the remainder of the lot unavailable for building purposes, and in such cases the owner of said lots should receive compensation.

It is believed the bill is a desirable one and that its operation would be attended by no cost to the District of Columbia or to the United States.

Very respectfully,

JOHN W. ROSS,
President Board of Commissioners District of Columbia.

Hon. J. W. BABCOCK,
Chairman Committee on the District of Columbia, House of Representatives.

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WATER POWER OF THE GREAT FALLS OF THE POTOMAC.

MAY 19, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. KING, from the Committee on the District of Columbia, submitted the following

REPORT.

[To accompany S. 1754.]

The Committee on the District of Columbia, to whom was referred the bill (S. 1754) to acquire by purchase or condemnation land and water rights at the Great Falls of the Potomac, after careful consideration of the subject, report the same back to the House with the recommendation that H. R. 7133, relating to the same subject, be laid upon the table, and that S. 1754 be amended by striking out all after the enacting clause and inserting the following:

That the Secretary of War is hereby directed, for the purposes hereinafter mentioned, to obtain title for the United States, by right of eminent domain, as herein provided, to lands upon each side of the Potomac River at the Great Falls not now owned by the United States, extending from a point at or near the Government dam to a point at or near where Difficult Run enters the Potomac River, and extending back from the waters of the river upon each side not more than one-half mile, together with the title to Conns Island and to other islands in the river between the points named, including water and other rights and privileges appertaining to said lands and islands or otherwise existing between said boundaries: *Provided*, That the canal and lands and water rights of the Chesapeake and Ohio Canal Company, on the Maryland side of the river only, are hereby excepted from the operation of this act.

SEC. 2. That the Secretary of War shall, within three months after the approval of this act, cause a survey to be made of such of the lands and islands within the general description in section one of this act as in his judgment may be required for the construction and maintenance of canal, power house, and other buildings necessary to the employment of the water rights and privileges aforesaid for generating electricity for use in the District of Columbia, and for other public purposes, and shall cause a map to be made thereof, clearly defining the boundary lines of all the lands and islands so required, and shall prepare a written statement, in triplicate, specifying by metes and bounds the lands, and by proper designation the water and other rights and privileges, to be acquired hereunder; and shall file said map and statement in the office of the recorder of deeds in the District of Columbia, the county of Fairfax, Virginia, and the county of Montgomery, Maryland, respectively, which filing shall be a taking by the United States of the lands and water and other rights and privileges described and designated in said map and statement.

SEC. 3. That to further carry out the purposes of this act the Attorney-General shall, after the filing of said map and statement, and at the request of the Secretary of War, cause proceedings to be commenced by petition, in the name of the United States, in the supreme court of the District of Columbia, for the condemnation of the lands and rights described and designated in such map and statement to the use

of the United States, making the known owners of the lands and water rights taken, the title to which is not in the United States, parties defendant; and all persons interested therein, but not known to the Attorney-General, may be made parties defendant under the title "unknown owners." Notice to the known owners shall be by personal service of summons, with a copy of the petition, which may be served by any United States marshal in any judicial district where such owner or owners reside, and to the "unknown owners" by publication of a notice in newspapers, to be designated by the court, published in said District of Columbia and in said counties, specifying the nature of the proceeding and the time when the matter will be heard, such notice to be published for thirty consecutive days in the District of Columbia and once a week for four consecutive weeks in said counties, and such other notice as the court may order. The court may, in its discretion, appoint guardians ad litem of minors or other persons under disability or suitable representatives of unknown owners. Said court shall, in general term, prescribe rules of procedure conformable to practice in like cases, to give the owners a fair hearing and secure speedy determination of the rights of the parties, and shall designate a judge of said court to hear said cause at a special term; said court shall forthwith, after service and expiration of said notice, summon a jury of disinterested persons to inquire into and assess, under instructions of the court, the compensation and damages, if any, to be paid the owners for such lands and water rights; but in assessing such compensation and damages there shall be considered only the values of the land and water rights at the time of such taking, and the value of such properties for the uses for which they are taken or to which they may be applied under the provisions of this act shall not be considered. The jury shall make a report of their inquisition and findings to the court; and on confirmation thereof by the court judgment shall be rendered thereby, condemning said lands and water rights to the use of the United States, and ordering that upon payment of the damages and compensation assessed as aforesaid to the owner or owners of the lands and water rights so condemned, or upon payment of the same into court for their benefit, all their right, title, and interest in and to such lands and water rights shall become vested in the United States. The Attorney-General may appoint special counsel for the United States familiar with the laws relating to riparian rights and hydraulics.

SEC. 4. That said court shall have and entertain jurisdiction of the proceedings herein authorized, and from judgments thereby rendered in such proceedings appeals may be taken as in other cases. Where claims are now pending in any court against the United States for compensation or damages for taking water at the Great Falls and the damaging of property by reason of such taking, such claims may be heard and determined in the proceeding hereunder.

SEC. 5. That for the purpose of paying the costs and expenses incurred in carrying out the provisions of this act, including court costs, jury and witnesses' fees, special counsel, engineering, and other expenses, the sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated.

The object of the bill which has passed the Senate, as well as the substitute bill now reported by this committee, is to acquire by the exercise of the power of eminent domain all the land and water rights at the Great Falls of the Potomac, not now owned by the United States, excepting the rights of the Chesapeake and Ohio Canal Company on the Maryland side of the river. The bill provides that the Secretary of War shall, within three months after the approval of this act, cause a survey and map to be made of the lands and islands required, clearly defining the same, and shall prepare a written statement specifying by metes and bounds and proper designations the grants and water rights to be taken. This map and statement are to be filed in the offices of the recorders of deeds in the District of Columbia, the county of Fairfax, Virginia, and the county of Montgomery, Maryland; and the filing of the map and statement shall be a taking by the United States of the lands, grants, and water rights described and designated in said map and statement.

The bill vests in the supreme court of the District of Columbia jurisdiction to hear and determine the question of compensation to be paid the owners of the lands and water rights taken. It provides the processes for bringing all parties before the court who are interested in the lands and water rights taken; gives power to make proper rules for the procedure; the summoning of a jury to hear and determine, under the

instruction of the court as in other cases, the compensation and damages to be paid for said lands and water rights. It further provides that "in determining such amounts there shall be considered only the values of the lands and water rights at the time of such taking, and that the value of such properties to the city of Washington for the uses for which they are taken or to which they may be applied under the provisions of this act shall not be considered;" the object of this last provision being to confine the court and jury, in determining the question of damages to be paid, to the market value of the property and rights for the general purposes to which they are applicable, and not to permit the jury to determine the case with reference to the special necessities of the city of Washington for this water. This is in accordance with the law applicable in such cases. (*U. S. v. Senfert Bros. & Co.*, 78 Fed. Rep., 520.) Judgment is to be entered upon the findings, and appeals are permitted as in other cases. An appropriation of \$5,000 is made to defray the costs and expenses incurred, including court costs, jury and witnesses' fees, special counsel authorized by the bill, engineering, and other expenses in connection with the condemnation proceedings.

The bill, as it passed the Senate, was referred to the Attorney-General, and has received his approval with the amendments now proposed by the committee in the form of a substitute. The Commissioners of the District report that the bill is of great importance to the residents of the District, and is cordially approved by the former. As a condemnation act for the purpose mentioned, the bill is complete and fully protects the rights of both the United States and the owners of the property to be taken. The tribunal selected for the purpose of ascertaining the compensation to be paid is the most convenient for all parties and has had considerable experience in the trial of such causes, and its selection, the committee understand, is satisfactory to all parties.

2. The subject of acquiring this property was before the Fifty-third and Fifty-fourth Congresses and was made the subject of exhaustive research and study. Reports were made by the District Commissioners, Captain Burr, of the Corps of Engineers, Col. George H. Elliott, Colonel of Engineers, Gen. Thomas L. Casey, Chief of Engineers, and Capt. D. D. Gaillard, Corps of Engineers, all of whom have been in charge of the water-works system of the District of Columbia. In a case entitled, *The Great Falls Manufacturing Company v. The United States*, heard and determined in the Court of Claims at the December term, 1880, reported in volume 16, Court of Claims reports, at page 160, there is to be found, collated in the findings of facts by the court, much information which has been considered by the committee. From the foregoing sources the following facts are established:

The Great Falls are located about 16 miles above the city of Washington, and consist of a series of rapids in the Potomac River extending about 2,000 feet, in the course of which the river falls about 76 feet. From the foot of these rapids to the tide level there is a further descent of the river of about 70 feet. Commencing at a point just above these rapids the island known as "Conns Island" extends up the river for about one-half mile, lying nearly parallel with the Maryland shore and considerably nearer to the Maryland than to the Virginia shore. The island is of irregular width, averaging about 800 feet; it is also of irregular height, and from its head to the dam near the foot of the island there is a descent of the river of about 5 feet. From Conn's Island to the Virginia shore it is about 1,400 feet. In the rapids and

just below the Government dam, hereinafter mentioned, is what is known as "Falls Island" which again divides the river, the main body of which passes to the west or on the Virginia side of the channel. The Maryland side of the river is rocky and precipitous; on the Virginia side the foothills are somewhat retired from the river, leaving a kind of plateau extending along opposite the falls. Through this plateau passed the Batteaux Canal, constructed in 1785 by the old Potomac Company, of which General Washington was president, for a portage for boats around the falls. On the Maryland side is the Chesapeake and Ohio Canal, which runs a little back from the river, leaving a strip of land between it and the shore.

Before the construction of the works of the Government about 98 per cent of the water of the river passed through the Virginia channel between Conns Island and the Virginia shore, and 2 per cent through the Maryland channel between Conns Island and the Maryland shore, the total minimum flow of the water being estimated at about 1,065 cubic feet per second, or about 700,000,000 gallons per diem. The record of the amount of water passing over the Government dam has been kept since the completion of the dam in 1886, and from this and other data the minimum effective horsepower at the falls is estimated at from 8,500 to 10,000 horsepowers.

3. The feasibility of using this water power at the Great Falls for the purpose of lighting by electricity the public buildings, grounds, and streets of the District of Columbia and operating the elevators, printing presses, and other machinery in the Government buildings and at the navy-yard has been fully considered and recommended by the United States engineers.

4. It is stated in an able report made by Col. George H. Elliott that the water supply for the District of Columbia was first provided for under various acts and appropriations prior to 1882, the maximum supply being about 25,000,000 gallons of water daily. In the year 1882 the dam was extended across Conns Island to the Virginia shore and the maximum quantity of water provided for was increased by 25,000,000 gallons per day; and in 1895 provision was made to raise the dam about $2\frac{1}{2}$ feet, thereby increasing the maximum amount of water available for domestic use 25,000,000 gallons per day additional, making a total maximum capacity at present of about 75,000,000 gallons per day. It is estimated, in the report referred to, that "other increases of the amount of water required for the supply of Washington will be necessary from time to time, and it is estimated that not less than 200,000,000 gallons per day will ultimately be required."

5. *Ownership.*—(a) The boundary line between the States of Virginia and Maryland is the low-water mark on the Virginia side of the river, leaving the title to the bed of the stream in the State of Maryland.

(b) In 1824 a charter was granted by the State of Maryland to the Chesapeake and Ohio Canal Company. That company constructed a canal from Georgetown to Cumberland, a distance of 185 miles, on the Maryland side of the river. The canal has a prior right to draw water from the river at different points and above the falls for the purpose of filling its canal, and is given the right to lease the "waste water"—that is, the water flowing from the opening of the locks—for power purposes. This company also succeeded to whatever rights the old Potomac Canal Company possessed.

(c) On the 3d day of March, 1853, Congress appropriated \$100,000 for the purpose of bringing water into the city of Washington upon

such plans and from such places as the President should approve, provided, "that if the plan adopted by the President of the United States should require water to be drawn from any source within the limits of the State of Maryland, the assent of the legislature of that State should first be obtained." On the 3d day of May, 1853, the legislature of Maryland passed a statute, referring to this act, and giving consent to the United States to purchase such lands and to construct such dams, reservoirs, buildings, and other works, as were necessary for the purpose of taking water from the Potomac River at the Great Falls and conducting to the city of Washington for the purpose of supplying the city of Washington with water. This act further provided "that nothing in this act shall be construed or understood as to authorize the United States to interfere with the rights now vested in the Chesapeake and Ohio Canal Company or with the rights granted by said company to individuals," and provision was made for the condemnation of lands and rights belonging to private parties. The Government afterwards acquired about 20 acres of land, upon which is now located the Gate House, on the Maryland side, at the end of its dam and conduit; the right to construct the dam across the channel from the Maryland shore to Conns Island; the undivided one-half of lands lying between the Chesapeake and Ohio canal and the river on the Maryland side for about 2 miles opposite the falls; the undivided one-half of Falls Island, and constructed its aqueduct, on the Maryland side of the river, to the city of Washington.

(d) The Great Falls Manufacturing Company, a corporation organized under the laws of the State of Virginia, as shown by the record in the Great Falls Case in the Court of Claims, owned about 1,000 acres on the Virginia side of the river, extending from above the falls to Difficult Run, the whole of Conns Island (except such as has been acquired by the United States), the undivided one-half of Falls Island, and the undivided one-half of lands adjoining the river on the Maryland side between the canal and the river, and some other small islands; the ownership on the Virginia side being subject to the claim, if any, of the Chesapeake and Ohio Canal Company to the old Potomac Canal. By an act of the State of Virginia, approved March 3, 1894, the Great Falls Power Company was organized for the purpose of "acquiring, holding, improving, and using water power at and near the Great Falls, in the Potomac River, and for constructing dams therein, canals, and other hydraulic and auxiliary steam works, which acts are hereby authorized, and for the selling and leasing of water power, and for using the same for manufacturing and other purposes, and for generating, transmitting, selling, and leasing electricity, electric power and light for railway and canal as well as other purposes, including also power to acquire by right of eminent domain, in case the use is public or by purchase or otherwise, and to hold and improve real and personal property for the foregoing purposes in Virginia or elsewhere, and to sell, lease, and mortgage the same, subject to all laws of the State of Virginia now in force in relation to other like corporations."

By an act of the State of Maryland, approved April 6, 1894, the Great Falls Power Company was granted—

The right to erect such dam or dams or other structures in the Potomac River in this State, between the Great Falls and the United States Government aqueduct dam, as may be necessary to use the water and water power at or near Great Falls for the purposes and objects set forth in its charter: *Provided*, That nothing in this act shall be construed to give said Great Falls Power Company authority to interfere with any existing right of the United States or of any person or corporation in said Potomac River or the waters thereof: *Provided*, That the acceptance of this act

shall oblige and bind the said Great Falls Power Company to take, occupy, use, interfere with, or damage no property or right vested in the Chesapeake and Ohio Canal Company, acquired as the successor of the Potomac Company or otherwise, and to endanger no part of the canal or works of said canal company in any degree by liability to flood, except by or under written agreement or agreements between said power company on the one part and the said canal company and the trustees for the time being as the bondholders of said canal company under its mortgage of 1848 and 1878 on the other part, and approved by the board of public works.

The Great Falls Manufacturing Company thereupon conveyed all lands, islands, rights, etc., which it possessed in the river and upon the Virginia and Maryland sides thereof to the Great Falls Power Company. By virtue of its ownership of said lands and islands, and the grant from the State of Virginia, and especially its grant from the State of Maryland, the Great Falls Power Company claims to own and control the entire water rights at the Great Falls subject only, first, to the prior right of the Chesapeake and Ohio Canal Company to take water from above the falls for the purpose of filling its canal on the Maryland side, and second, to the rights of the United States acquired under the proceeding in the Court of Claims and hereinafter more fully mentioned. The Great Falls Power Company claims that the old Potomac canal on the Virginia side has been abandoned for over one hundred years, and that it and its predecessor, the Great Falls Manufacturing Company, have been in full and unquestioned possession thereof for more than forty years. With this controversy, however, the United States has nothing to do. The bill only excepts from its operation the lands and rights of the Chesapeake and Ohio Canal Company on the Maryland side.

6. In July, 1858, there was a proceeding before the sheriff of Montgomery County, Md., and a jury to assess the damages which the dam of the Washington Aqueduct, proposed to be constructed, should cause to the Great Falls Manufacturing Company. On August 20, 1858, damages were awarded in the sum of \$150,000. Upon application to the circuit court of Montgomery County, Md., this inquisition was set aside. Nothing further was done by way of condemnation or purchase until November, 1862, when the Secretary of the Interior, charged with the direction and control of the work, entered into an agreement with the Great Falls Manufacturing Company to arbitrate the question of damages. This board consisted of Jesse L. Williams, of Indiana; Hon. B. R. Custis, of Massachusetts; Hon. G. Swan, of Ohio; Hon. Linus Child, of Massachusetts, and Hon. George M. Dallas, of Pennsylvania, distinguished jurists and men eminently fitted to determine the questions of law and fact involved. This board reported four plans for taking water at the Great Falls. The fourth and cheapest consisted of a dam from the Maryland shore to Conns Island across the small channel of the river, leaving the principal channel on the Virginia side unaffected by the improvement, the crest of the dam to be 148 feet above tide. The damages awarded, if the fourth plan was adopted by the Government, were \$15,692. The Government adopted the fourth plan and suit was brought in the Court of Claims to recover the amount of the award. Without reviewing the questions involved it is sufficient to say that the Court of Claims held that the United States was liable for, and that the Great Falls Manufacturing Company was entitled to recover, the said sum of \$15,692 for all damages which, the court say, "they may legally claim by reason of the substantial adoption and execution by the United States of the fourth plan of operations set forth in the agreement sued upon in the amended petition." This case was carried to the Supreme Court of the United

States and the judgment was affirmed by that court. (United States *v.* Great Falls Manufacturing Company, 112 U. S., 645.)

The first improvement being insufficient to furnish the water supply needed, the Government in 1882 extended the dam from Conns Island across the main channel to the Virginia shore, the total length of the dam now being 2,877 feet. This, according to the engineer's report, increased the quantity of water that could be taken about 25,000,000 gallons per day. The dam was so constructed that it diverted a substantial amount of the water of the main channel from the Virginia to the Maryland shore. Thereupon the Great Falls Manufacturing Company brought suit in the Court of Claims, under date of January 9, 1889, against the Government to recover damages, first, for the increased amount of water diverted from the falls, and secondly, for diverting the main channel of the river from the Virginia to the Maryland shore, thereby increasing the expense, to the Great Falls Manufacturing Company, of utilizing the surplus water for power purposes. The damages claimed in this suit are \$500,000, and the suit is still pending and undetermined.

In 1895, under the provisions of an act of Congress, the height of the dam was increased about $2\frac{1}{2}$ feet the entire length from the Maryland to the Virginia shore, thereby increasing the maximum amount of water taken about 25,000,000 gallons per day. For this additional taking the Great Falls Power Company has commenced suit in the Court of Claims, under date of February 28, 1896, claiming \$273,000 damages on account of the raising of the dam. This suit is also pending and undetermined.

It would appear from the result of the case above referred to (112 U. S., 645), that the United States are liable for any damages caused by permanently diverting water from above the falls. Under the first condemnation, for which the Great Falls Manufacturing Company was paid \$15,692, the Government acquired the right to divert water from the river *according to* "the fourth plan of operations set forth in the agreement" above referred to. It would seem, therefore, that the Government is liable for additional diversions which it has made, and which it may hereafter make, of water in excess of that diverted by the plan referred to, if any damages result from such diversion. The measure of damages is thus stated by the Supreme Court of the United States in *Boom Company v. Patterson*, 98 U. S., 403, 407, 408:

In determining the value of land appropriated for public purposes, the same considerations are to be regarded as in a sale of property between private parties. The inquiry in such cases must be what is the property worth in the market, viewed not merely with reference to the uses to which it is at the time applied, but with reference to the uses to which it is plainly adapted; that is to say, What is it worth from its availability for valuable uses. Property is not to be deemed worthless because the owner allows it to go to waste, or to be regarded as valueless because he is unable to put it to any use. Others may be able to use it, and make it subserve the necessities or conveniences of life. Its capability of being made thus available gives it a market value which can be readily estimated.

The rule is also stated as follows:

Where the diversion complained of results in actual injury to the complainant, the measure of damages is to be estimated by the actual loss which he has sustained, and the expense to which he has been put by reason of such diversion or the value of the use of the water during the time of diversion. (Am. and Eng. Ency. of Law, vol. 28, p. 983, and cases cited.)

Considering the probable liability of the Government in the pending suits for additional diversions since the first taking, and the report of Colonel Elliott that the water supply for the city of Washington will

probably have to be increased from 75,000,000 to 200,000,000 gallons per day in the future; and also considering the annoyance of having a divided ownership at the Great Falls, your committee are of the opinion that all the water and riparian rights at the Great Falls necessary for the control and use of the entire flow of the water should be acquired at this time. There are no improvements now at the Great Falls except the aqueduct and dam, built and owned by the United States. If the Government is ever to acquire control it should be before any outlay is made by the other owners. As stated in the Senate report upon this bill—

There can be no question of greater importance to the people of any large city than that of securing a sufficient supply of water, pure in quality and with a reserve in quantity ample for the demands of the future. Here it is not merely a local question, but one of importance to the whole country as well. Washington is the temporary residence of thousands, and is visited annually by millions coming from all parts of the country. The United States owns a large share of the property. The public buildings, parks, and grounds, as a whole, are the finest in the world. The demand for new buildings and other improvements will be frequent and imperative, as the machinery of government must continually and steadily increase with the increase of population of the whole country. Whatever concerns the welfare of this city, therefore, will become more and more of general interest.

The present supply of water is not sufficient in quantity or force for present needs; some action must, therefore, be taken at once.

Your committee therefore recommend that, in one action, the entire rights at the falls be acquired under the provisions of this bill.

7. The rights of the Chesapeake and Ohio Canal Company to take water at different points in the river for the purpose of filling its canal on the Maryland side take precedence of all other claims; but we see no reason, as there is a sufficient amount of water remaining for the District and for all purposes required by it, for taking or affecting the rights of the canal company on the Maryland side. These rights, therefore, are excepted from the operations of this act. The company, however, should be a party to the proceeding for the purpose of cutting off any rights or claims to the old Potomac Canal on the Virginia side, and under the provisions of the bill this will be done.

8. The question has been suggested by some as to the rights of the State of Maryland as the owner of the bed of the river. This ownership and the rights thereunder is thus stated by the Supreme Court in *Illinois Central v. Illinois* (146 U. S., 387-452-453):

It is a title held in trust for the people of the State that they may enjoy the navigation of the waters, carry on commerce over them, and have liberty of fishing therein freed from the obstructions or interferences of private parties. * * * The control of the State for the purposes of the trust can never be lost, except as to such parcels as are used in promoting the interest of the public therein, or can be disposed of without any substantial impairment of the public interest in the lands and waters remaining.

This title of the State, therefore, is not one that would interfere with the United States in the use of the water for domestic and power purposes. The State, as above noted, has already granted to the United States the right to put a dam and other structures in the river for the purpose of diverting the water for supplying the city of Washington. (Act May 3, 1853). And in the act of April 6, 1894, authority was given the Great Falls Power Company to erect such "dam or dams, or other structures" in the river as may be necessary to use the water and water power at the Great Falls for the purposes and objects set forth in its charter. These objects are stated in the charter to be—

For the purpose of acquiring, holding, improving, and using water power at and near the Great Falls in the Potomac River, and for constructing dams therein, canals

and other hydraulic and auxiliary steam works, which acts are hereby authorized, and for the selling and leasing of water power, and for using the same for manufacturing and other purposes, and for generating, transmitting, selling, and leasing electricity, electric power and light, for railway and canal as well as other purposes, including also power to acquire by right of eminent domain in case the use is public, or by purchase or otherwise, and to hold and improve real and personal property for the foregoing purposes in Virginia and elsewhere; and to sell, lease, and mortgage the same.

Under the reasoning of the Supreme Court in the Illinois case it can not be doubted that the legislature of Maryland had the right to make these special grants. If these rights of the power company are acquired by condemnation under this bill, then the United States will have the right to use the water for all purposes and will entirely control the Great Falls. The scope of the bill, therefore, is complete and includes all of the property rights at the Great Falls which it is desirable for the United States to acquire.

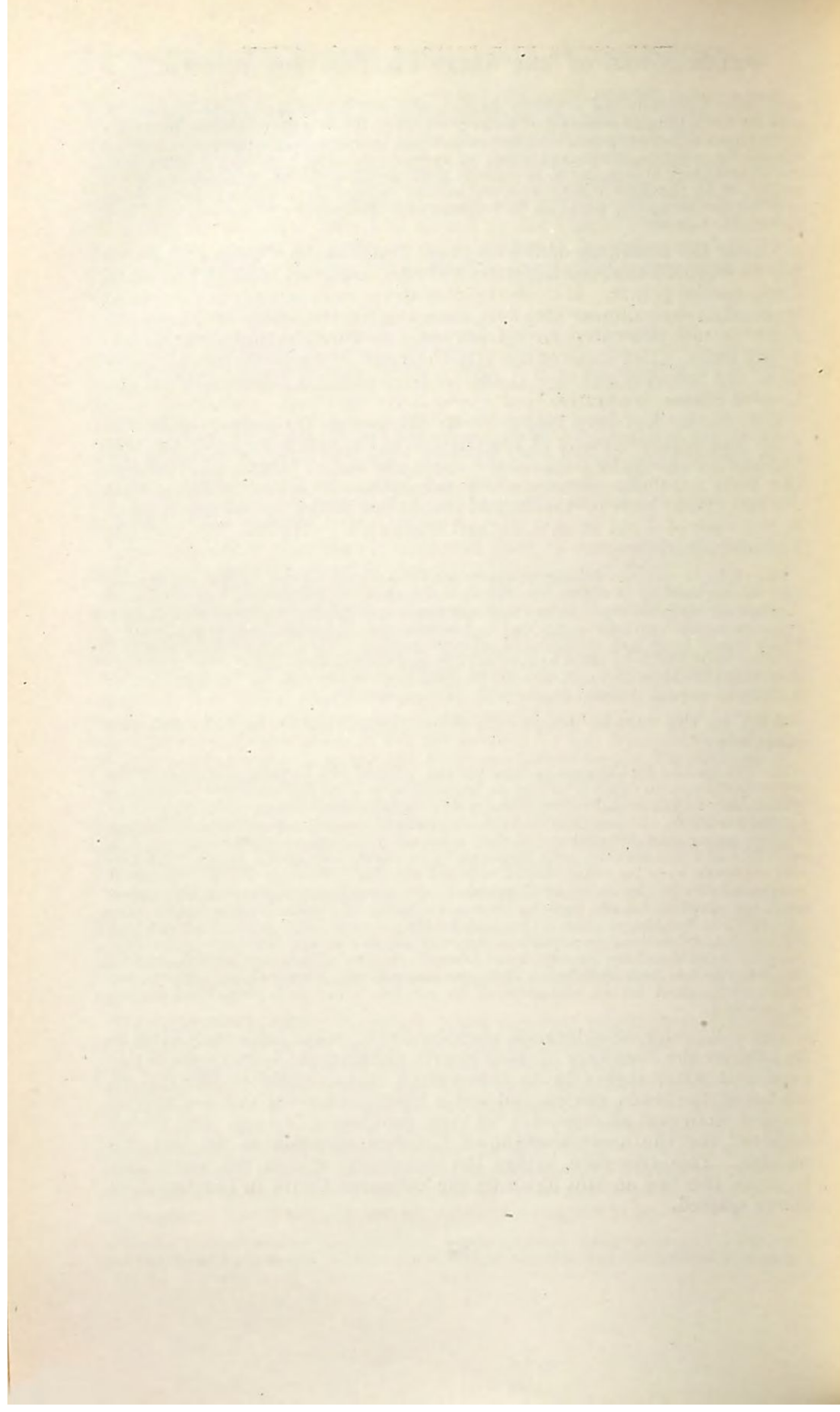
9. Question has been raised as to the power to confer jurisdiction upon the supreme court of the District of Columbia to ascertain and fix the damages to be paid for the lands and rights taken. This subject has been carefully considered by the committee, and it is found that the Supreme Court of the United States has fully covered the matter. In the case of *Kohl et al. v. United States* (91 U. S., 367, 375), the law is stated as follows:

The right of eminent domain exists in the Government of the United States, and may be exercised by it within the States, so far as is necessary to the enjoyment of the powers conferred upon it by the Constitution. Doubtless Congress might have provided a mode of taking the land and determining the compensation to be made, which would have been exclusive of all other modes. They might have prescribed in what tribunal or by what agents the taking and ascertainment of the just compensation should be accomplished. The mode might have been by a commission, or it might have been referred expressly to the circuit court.

And in the case of *Jones v. United States* (109 U. S., 513-519), the court say:

The proceeding for the ascertainment of the value of the property and consequent compensation to be made is merely an inquisition to establish a particular fact as a preliminary to the actual taking; and it may be prosecuted before commissioners or special boards or the courts, with or without the intervention of a jury, as the legislative power may designate. All that is required is that it shall be conducted in some fair and just manner, with opportunity to the owners of the property to present evidence as to its value, and to be heard thereon. Whether the tribunal shall be created directly by an act of Congress, or one already established by the States shall be adopted for the occasion, is a mere matter of legislative discretion. Undoubtedly it was the purpose of the Constitution to establish a general government independent of, and in some respects superior to, that of the State governments—one which could enforce its own laws through its own officers and tribunals; and this purpose was accomplished. That government can create all the officers and tribunals required for the execution of its powers. Upon this point there can be no question.

The bill under consideration provides that the map and statement to be filed by the Secretary of War clearly defining the boundaries of the land and water rights to be taken shall "be a taking by the United States of the lands, grants, and water rights described and designated in said map and statement." It then provides a fair and convenient tribunal for the ascertainment of the compensation to be paid the owners. This, therefore, brings the act clearly within the spirit and letter of the law as laid down by the Supreme Court in the decisions above quoted.



CONTROL OF WHARF PROPERTY AND PUBLIC SPACES IN THE DISTRICT OF COLUMBIA.

MAY 19, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. KING, from the Committee on the District of Columbia, submitted
the following

REPORT.

[To accompany H. R. 10294.]

The Committee on the District of Columbia, to whom was referred the bill (H. R. 10294) entitled "A bill relative to the control of wharf property and certain public spaces in the District of Columbia," beg leave to submit the following report, and recommend that said bill do pass with the following amendment:

Page 2, line 7, strike out the words "invested with the exclusive," and insert in lieu thereof the words "authorized and empowered to make all needful rules and regulations for the."

This bill, which was prepared by the Commissioners of the District, is designed to remedy an evil which has existed for some time. There is considerable wharf property within the District, and from it, if properly controlled, there might be collected in the shape of rents, tolls, etc., an amount annually far in excess of all expenses incident to the necessary police control. Owing to the fact that there has been some uncertainty as to the department having authority to control this property, occupants have escaped payment of rent and no proper control has been exercised. In order to obviate these difficulties and to clearly determine the question, this bill commits to the Commissioners of the District the exclusive charge and control of all wharf property within the District.

No objection is made to the proposition to vest the authority in this body. Upon the contrary it is conceded by all that the property should be so controlled.

Sections 3 and 4 relate to the control of various parks and reservations in the District.

The following letters show the necessity of this legislation:

COMMITTEE ON THE DISTRICT OF COLUMBIA,
United States Senate, April 28, 1898.

DEAR SIR: I inclose a letter from Colonel Bingham, in charge of public buildings and grounds, in regard to the divided jurisdiction that now exists over the parking.

2 CONTROL OF WHARF PROPERTY AND PUBLIC SPACES.

I would suggest that the Commissioners cause to be prepared a bill stating specifically what reservations should belong to the park system of the District of Columbia, so that there may hereafter be no question as to the park system on the one hand or the control of the Commissioners on the other in the matter of street parking. This is the more necessary from the fact that, as I understand it, difficulty has arisen in regard to the proper assessments for improvements and the application of the appropriation for paving around public reservations.

Also, the bill should include a provision for the control of the wharf property. This subject was taken up by the committee some years ago, but the pendency of the cases in the courts made the efforts of the committee of no avail. The matter is in such shape now, I understand, that the control of this property ought to be with the Commissioners, and the property ought to be handled for the benefit of the District of Columbia.

Yours, truly,

JAMES McMILLAN.

Hon. JOHN W. ROSS,
President Board District of Columbia Commissioners.

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, April 27, 1898.

MY DEAR SENATOR: I see by the papers that the bill has passed the House giving the Commissioners of the District jurisdiction over the parking. This seems to me a very good arrangement in general; but I venture to suggest that the wording of the law should be so amended that the triangular spaces formed at the intersections of streets by the intersections of parking should be placed under the jurisdiction of this office, because these spaces can never be built upon, being property of the United States, and also because they form a part of the park system of this city. They have always been regarded by this office as under its jurisdiction, but it would be better, it seems to me, to have this specifically stated in the law.

I also venture to mention that it has always seemed to me that where parkings are reserved in the center of a street or avenue these should also be transferred to the jurisdiction of this office, because they are really also a part of the park system, and do not fall under municipal jurisdiction, as do the parkings immediately in front of houses.

I have discussed this matter with General Wilson, and it is at his suggestion that I thus communicate with you.

With high regards, very truly, yours,

THEO. A. BINGHAM,
Colonel, United States Army.

Hon. JAMES McMILLAN,
United States Senate.

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, May 6, 1898.

SENATOR: In compliance with your letter of April 28, the Commissioners have the honor to submit herewith the draft of a bill relative to the control of wharf property and certain public spaces in the District of Columbia.

The laws governing the control of wharf property in the District of Columbia are somewhat obscure, so that it is uncertain whether the control of such property is vested in the Chief of Engineers of the United States Army or in the Commissioners of the District of Columbia. As a matter of fact, it is claimed by both, and the Commissioners are and have been for some years in receipt of rentals for wharf property leased by them from time to time. At the same time, the validity of their action is so uncertain that they have not been able in all cases to collect the rentals accruing under such leases. It seems quite essential, therefore, that the laws governing the matter should be made positive and clear.

The first and second sections of the inclosed bill relate to the control of wharf property, and are so drawn that the control of this property is vested either in the Chief of Engineers of the United States Army or in the Commissioners of the District of Columbia, as Congress in its wisdom may decide. They are modeled after the present wharf laws of the city of New York.

The remaining sections of the bill relate to the various parks and reservations in the District. A close examination of these parks shows that they consist of three classes, namely:

(1) Original "appropriations."

(2) Land acquired by purchase and set aside for park purposes.

(3) Street spaces at the intersections of streets and avenues.

With the first two classes the bill has nothing to do, except as to such portions of them as may lie outside of building lines and may be needed for street purposes.

It is uncertain in whom the jurisdiction over the third class is vested, as the legislation on the subject is obscure and contradictory. Under section 225 of the Revised Statutes Relating to the District of Columbia, the District authorities have laid out in many of the street spaces circles and other reservations of various forms where the space was not needed for roadways or sidewalks. By agreement between the District authorities and the Chief of Engineers, some of these have been placed under the control of the latter-named officer. At the same time, there are a number of such spaces within the District of Columbia which the Chief of Engineers has declined to accept for park purposes. These spaces occur sometimes as triangles, trapezoids, or circles, surrounded by roadways, and at other times in the form of irregular spaces formed by the parking at the intersections of streets and avenues.

It is very necessary that the laws concerning the control of such spaces should be positive and clear, more especially since upon such legislation depends the distribution of assessments for special improvements, such as sidewalks, sewers, water mains, and the expenditure of the appropriation for sidewalks around public reservations.

In Appendix CCC of the report of the Chief of Engineers for the year 1894 there appears a list of the various spaces claimed by the Chief of Engineers as reservations and public spaces under his charge, together with a map showing their location. This list contains all of the parks and reservations in the three classes mentioned above.

The list of reservations contained in the proposed bill embraces, so far as the information of the Commissioners can determine, all of the spaces of the third class which should at present be placed in charge of the Chief of Engineers. The spaces mentioned in the list contained in Appendix C C C, which are omitted from the bill, are confined to the first and second classes mentioned, and to other spaces which should not now be under the charge of the Chief of Engineers, either because they are too small for park purposes or are entirely covered by sidewalks or roadways, or because they can not be properly defined at present on account of the sidewalk, roadway, and parking lines not being laid out, due to the lack of improvement of the streets in which they lie. The only exception to the above is the case of one reservation—marked No. 125 in the list printed in Appendix C C C, before mentioned—on which a schoolhouse has been located for many years.

A list of the omitted so-called parks, with the reasons for their omission from the draft of the bill, is appended hereto.

The legislation asked for, included in the bill, is believed to be very greatly needed, and early and favorable action by the committee is respectfully and earnestly requested.

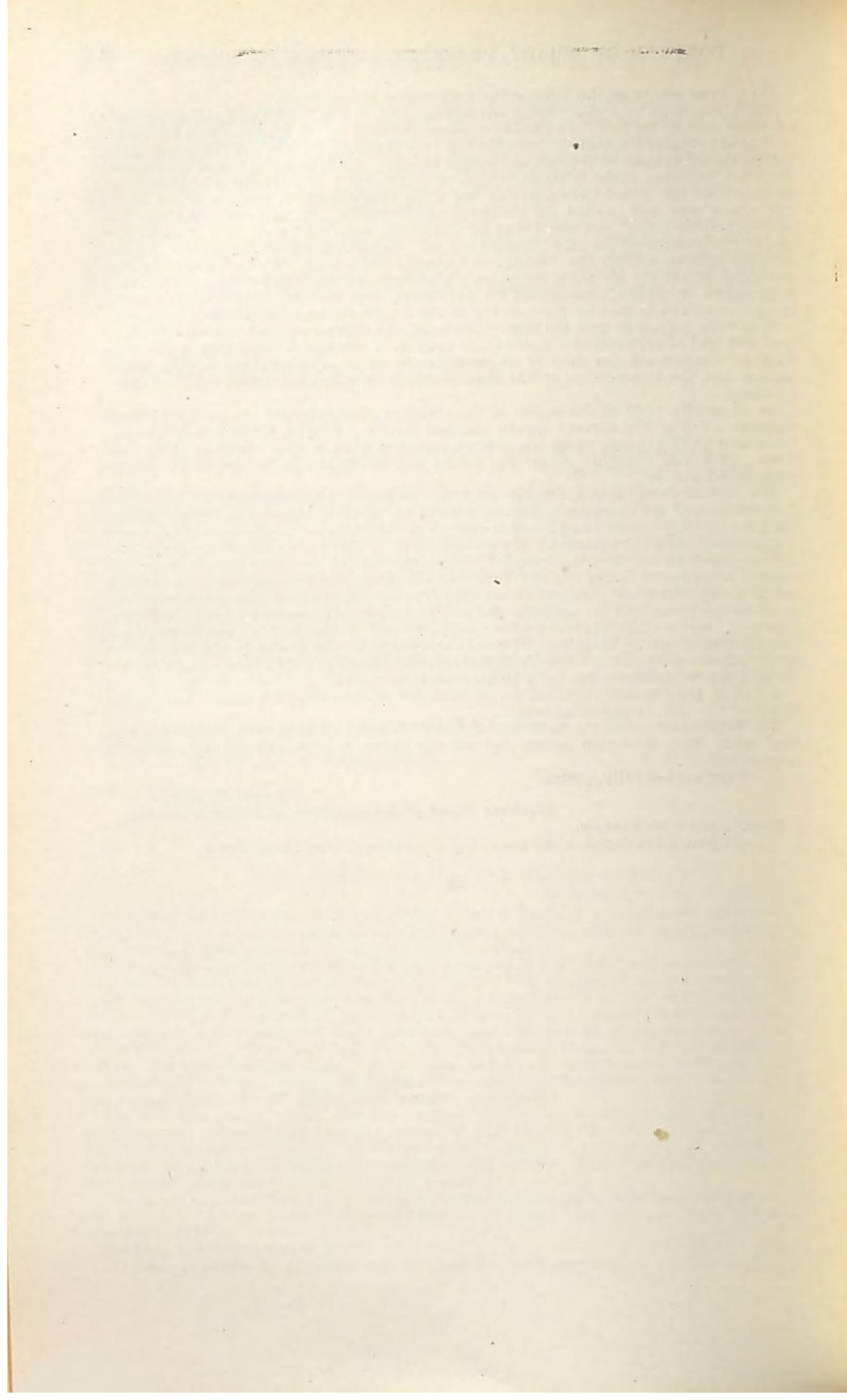
Very respectfully, yours,

JOHN W. ROSS,

President Board of Commissioners District of Columbia.

Hon. JAMES McMILLAN,

Chairman Committee on the District of Columbia, United States Senate.



GEORGE W. McBRIDE.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to
be printed.

Mr. GRIFFIN, from the Committee on Military Affairs, submitted the
following

REPORT.

[To accompany H. R. 967.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 967) to correct the war record of George W. McBride, late second lieutenant Company H, Fifteenth Michigan Infantry Volunteers, having had the same under consideration, respectfully report thereon as follows:

The records of the War Department show that George W. McBride was enrolled March 4, 1862, and mustered into service March 13, 1862, as a private in Company H, Fifteenth Michigan Infantry, to serve three years; was appointed first sergeant May 20, 1862; reenlisted as a veteran volunteer March 5, 1864; was mustered in as second lieutenant, same company and regiment, to date April 7, 1865.

It appears that the Fifteenth Michigan Infantry, with other troops, arrived at Devall Bluff, Ark., by boat from Louisville, Ky., about July 3, 1865, and that this officer had but just been relieved from duty as officer of the day on the boat, and in company with Lieut. David Sample of the same regiment went ashore and took a stroll through the town. On their journey they met Lieut. Frederick Autenreith, of the Seventieth Ohio Infantry. They found many enlisted men on the streets other than the troops constituting the garrison.

Trouble arose over the arrest of a soldier for disorderly conduct as early as 9 a. m., but of what such conduct consisted is not disclosed by the record. The arrest was considered by many to have been unjustifiable, and an unsuccessful attempt at rescue and to take the man back on board the boat was made by some of his comrades, but he was eventually taken to the lockup. Later in the day trouble occurred over the closing, by the provost-marshal and his officers and guard, of a saloon in the town called the Eagle Saloon, and after it was closed it appears to have been forced open by the soldiers, and in the work of closing it a second time by the provost guard Lieutenants Autenreith and Sample were arrested and taken to the stockade by the provost guard. Lieutenant McBride appears to have been present among the

soldiers or with the officers on all these occasions, but whatever may have been his conduct it did not involve a sufficient infraction of law in the judgment of the provost-marshal and his officers and guard to justify his arrest with the other two officers for or during the time when the mutinous proceedings were occurring, although the provost officers and guard recognized him as being present as one of the assemblage on the streets and in the saloon.

About 2 o'clock in the afternoon on the 3d day of July, 1865, after order had been restored, Lieutenant McBride visited the provost-marshal's office, wearing his side arms, and said to Colonel Hoit, the provost-marshal, that he wanted him to release the officers and men that he had in the guardhouse, whereupon Colonel Hoit told him to consider himself under arrest, and Lieutenant McBride gave Colonel Hoit his saber and belt, and the colonel thereupon ordered him to be taken to the guardhouse, such arrest being stated by the provost-marshal to be on account of his insubordination and mutinous conduct during that day. After being confined in the stockade and locked up like a felon until the 10th day of July, 1865, the three officers were taken to the provost-marshal's office and secured the limits of the town on parole. Subsequently charges were preferred against Lieutenant McBride for mutiny, disobedience, defiance of orders, conduct unbecoming an officer and gentleman, and burglary. He was acquitted of the charge of burglary but was convicted of the other three charges in a modified form, and was accordingly sentenced to be dishonorably dismissed the service of the United States, with loss of all pay and allowance due him and that might become due him, which sentence was approved by the proper officers, and the same was duly executed, and said Second Lieut. G. W. McBride ceased to be an officer in the service of the United States from the 14th day of August, 1865.

It will be observed that the circumstances which resulted in the dismissal of Lieutenant McBride occurred several weeks after the close of the war, when, according to the experience of everyone who served until the close of the civil war, the discipline in the Army was very lax as compared with that which prevailed prior to the close of hostilities. On the occasions mentioned the offending officers seem to have been Lieutenants Autenreith and Sample, the former being the one who is charged with breaking into the saloon and whom the proprietor sought to have arrested when he made application to the provost-marshal for that purpose, and who was arrested and suffered severe physical injury as well as humiliation owing to his outrageous and almost unprecedented high-handed treatment by the provost-marshal. Lieutenant Sample seems also to have been the other officer who, during the mutinous proceeding, sufficiently offended the dignity of the provost-marshal as to justify an instantaneous arrest, and he was relieved from the sentence and penalty imposed by the court-martial by special bill introduced and passed by the Fifty-fourth Congress.

Lieutenant McBride's chief offense, and that for which he was arrested and consequently court-martialed, was involved in his demand upon the provost-marshal for the release of the officers and men who had been arrested earlier in the day. This demand appears to have been made in a proper manner, at a proper place and time, having taken place in the office of Colonel Hoit, the provost-marshal. It is perfectly apparent that in making this demand Lieutenant McBride was performing what he conceived to be a duty which he owed his men as one of their officers charged with the duty of caring for them, pro-

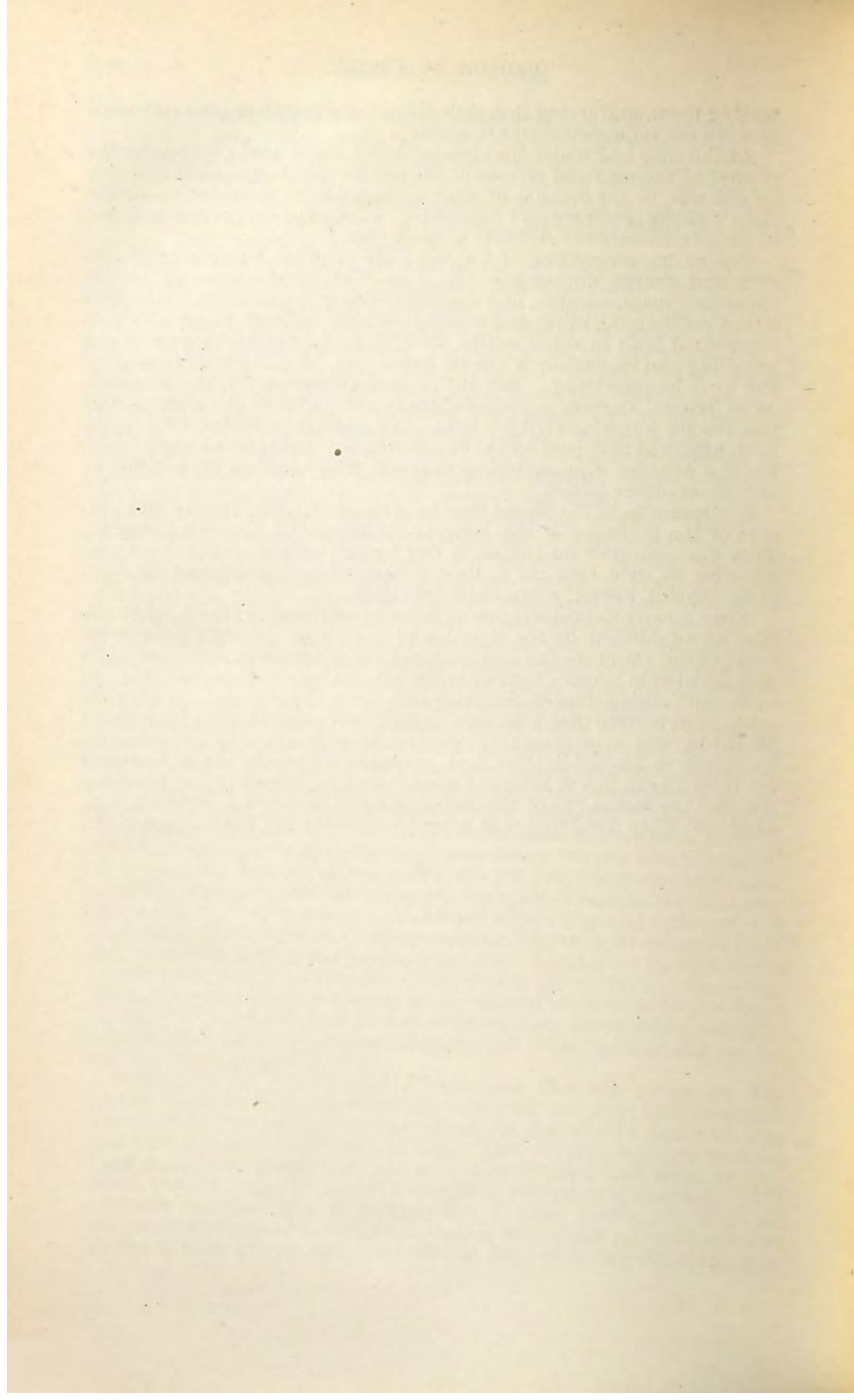
tecting them, and seeing that they did not straggle from their command or were not improperly held in custody.

At the time and under the circumstances his course in asking for the release of the men and officers of his regiment in the manner in which he did was, in the opinion of your committee, far more commendable than was the arbitrary and inconsiderate action of the provost-marshal in placing Lieutenant McBride under arrest.

The entire proceeding of Colonel Hoit as provost-marshal, his officers and guards, during the day is marked by the want of proper capacity, comprehension, and discrimination relative to the best methods of maintaining order and dealing with the military problems which confronted him; in other words, disclosing a lack of experience in the handling and managing of troops which may be well characterized by the term incompetency. His entire conduct during the day was such as to irritate, aggravate, and produce trouble between the garrison and the troops which arrived by boat. His method, therefore, of dealing with affairs at that post on the day mentioned was fully as reprehensible and as much responsible for that which occurred as the conduct of any other officer named.

It appears from the record that on August 21, 1865, twenty-four officers of the regiment of the accused recommended his reinstatement. This was approved on the same day by the colonel of the regiment; likewise by Brig. Gen. A. V. Rice, commanding brigade, and by Brig. Gen. John M. Oliver, commanding division.

After a careful consideration of the testimony and all the facts in the case as established by the record, and in view of the high commendations of the officers of the regiment and the commanders of the brigade and division in which Lieutenant McBride served, and the fact that the untoward circumstances occurred long after the war had closed, your committee believe that a serious injustice was visited upon Lieutenant McBride, and that favorable consideration should now be given by Congress to his application, and recommend that the bill be amended by inserting in line 9, after the word "discharge" and before the word "with," the words "as of the fourteenth day of August, eighteen hundred and sixty five," and that when so amended the bill do pass.



JOHN DINSBEER.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GRIFFIN, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 8119.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 8119) granting an honorable discharge to John Dinsbeer, late second lieutenant in Company C, First Regiment of Missouri State Militia, having had the same under consideration, respectfully report thereon as follows:

The records of the War Department show that this soldier was mustered into service April 14, 1862, as second lieutenant Company B, Missouri State Militia (subsequently Company C, First Mounted Rifles, and finally known as Company C, First Missouri State Militia Infantry) to serve three years. He is reported present on company muster rolls to October 31, 1862; on subsequent rolls to February 28, 1863, he is reported on detached service as ordnance officer at Pilot Knob, Mo., since November 10, 1862, and on subsequent rolls to October 31, 1863, present "under arrest." It appears that he was tried by general court-martial on charges and specifications, as follows:

CHARGE 1.—Neglect of duty, to the prejudice of good order and military discipline.

Specification.—In this, that he, Second Lieut. John Dinsbier, of the First Regiment of Infantry, Missouri State Infantry, being present at a disorderly and mutinous riot of a portion of his own regiment and a part of the First Regiment of Infantry, Nebraska volunteers, did fail to use his utmost endeavor to suppress the same, and did moreover utterly neglect to make any effort whatever to quell said disorderly and mutinous riot, and did actually leave the place where the riot was going on in company with other commissioned officers and go to a point beyond the view of the riotous soldiers. This at Jefferson City, Mo., on or about the 12th day of October, 1863.

CHARGE 2.—Disobedience of the lawful command of his superior officer.

Specification.—In this, that he, Second Lieut. John Dinsbier, of the First Regiment of Infantry, Missouri State Militia, having been ordered to remain with his command and preserve order and quiet among the enlisted men thereof and hold them ready for any service which he might be called upon to perform, did disobey said order, the same being the lawful command of his superior officer, and go to a point beyond view of his men while they were engaged in a disorderly and mutinous riot. This at Jefferson City, Mo., on or about the 12th day of October, 1863.

CHARGE 3.—Conduct to the prejudice of good order and military discipline.

Specification.—In this, that he, Second Lieut. John Dinsbier, of the First Regiment of Infantry, Missouri State Militia, having learned that Brig. Gen. James Totten, commanding at Jefferson City, Mo., had confined Private C. Graven, of Company C, First Regiment of Infantry, Missouri State Militia, for disorderly and mutinous conduct, did go, in company with several other commissioned officers, to the office where General Totten was and where he had the disorderly soldier confined, and then and there demand the release of said disorderly soldier in a manner and under circumstances highly prejudicial to good order and military discipline. This at Jefferson City, Mo., on or about the 12th day of October, 1864.

The officer, as appears from the record, was found guilty of all the charges and specifications and was sentenced "to be dismissed from the service of the United States." The finding and sentence were approved by the proper authority and duly promulgated in General Orders, No. 5, headquarters Department of the Missouri, dated January 16, 1864. The record also shows that in January, 1864, application for a mitigation of the sentence of the court-martial was made by certain officers of the First Missouri Militia, and in February, 1864, an application was made for the reinstatement of Lieutenant Dinsbeer in the office from which he had been dismissed, and that as a result of the petitions for relief the governor of Missouri was asked by the War Department if he desired to recommission Lieutenant Dinsbeer, to which inquiry the governor replied, March 27, 1864, as follows:

In my opinion the interests of the service demand that this man should not be returned to the service. I am unwilling to recommission him.

Notwithstanding this refusal, the papers filed with your committee show that Governor Willard P. Hall, of the State of Missouri, on the 8th day of July, 1864, duly commissioned the said John Dinsbeer as first lieutenant of Company E, Thirty-second Regiment in the enrolled militia of that State, to rank from the day last aforesaid. Also that the officer's resignation was accepted by Special Orders, No. 139, of date of August 16, 1864. Other papers filed with your committee show that John Dinsbeer enlisted May 8, 1861, and was mustered into service as a private in Company A, Rifle Battalion attached to First Regiment Missouri Volunteers, for three months unless sooner discharged, and was honorably discharged at St. Louis Arsenal, Mo., August 2, 1861. Also that he was enrolled on the 20th day of August, 1861, as a private in Company B, Fremont's Body Guard, to serve three years, and was honorably discharged November 30, 1861.

It therefore appears from the records of the State of Missouri and of the War Department that this soldier had four enlistments, from three of which he was honorably discharged.

The circumstances upon which the charges and specifications in this officer's case were predicated are, briefly, as follows:

He was in command of his company, which was awaiting orders at Jefferson City, Mo. On October 12, 1863, a portion of the First Regiment Nebraska Volunteer Infantry was also at said Jefferson City awaiting like orders as the command of Lieutenant Dinsbeer. Neither of these commands were part of the post garrison, and some contention arose between the officers and soldiers of the garrison and the other commands mentioned. A soldier of Dinsbeer's command had an altercation with a citizen whom the soldier claimed owed him. This resulted in a technical assault, and the soldier was arrested. This action provoked ill feeling on the part of the Nebraska and Missouri commands, some of whom engaged in shouting and derisive talk, reflecting upon the officers belonging to the post garrison. There is testimony tending to show that the accused was ordered to quiet his men two or three times, which orders he obeyed, and was successful in quieting his men while they were under arms.

The criticism is made that when they were not under arms and he endeavored to discipline them the force of his authority did not seem to be as effectual as if the men had been under better discipline. The post commandant who gave the orders testified that Dinsbeer appeared to exert himself as much as an officer would under ordinary circumstances, and also that he could not well take any steps to enforce his orders when he gave orders for his men to go to their quarters and

remain quiet, because he was going to the office of the post commander, who gives this testimony in relation to moving his company.

It is also established by the testimony that the officer went to the railway station and found one of his men in arrest and upon making inquiry as to who placed him under arrest, a gentleman in citizen's clothing was pointed out to him as having given the order. The soldier so arrested was charged with having insulted General Crawford on the street, and upon complaint being made to General Totten he placed the soldier under arrest.

Other soldiers had preceded Lieutenant Dinsbeer to the depot and demanded the release of the soldier, and General Totten had six of them confined on account of their disorderly conduct. Lieutenant Dinsbeer approached General Totten and demanded the release of the men arrested. The record details the interview between Dinsbeer and General Totten, as stated by the latter in his testimony, as follows: "I asked him if he knew what he was about—if he knew the regulations. He said he knew all about the regulations, and said I had no right to arrest these men; that he did not know who I was. He was insolent in his manner and demanded the release of the disorderly soldiers. I ordered them back to their quarters two or three times. They didn't go off promptly as they were told to. They stayed and argued the matter."

General Totten, in his testimony, admitted that he was in citizen's clothing—uniform pants and citizen's coat; that he took pains to tell these officers who he was, and that he was satisfied they knew him.

The testimony of General Crawford, who was present at the interview, shows that it was Lieutenant Smith, of the First Nebraska, who told General Totten he wanted the man released and he would be responsible for his safe custody, and as to the conduct of the accused on the occasion General Crawford testified that he told General Totten he had no right to arrest the man. General Totten asked him why. The accused said he was not in the garb of a United States officer; that he had no uniform on; that General Totten said, "You know my name." The accused stated, "I suppose you are General Totten," and he replied, "I am General Totten; now you know my name;" and the accused said, "I have your word for it." That General Totten then ordered them to their quarters and they obeyed, apparently reluctantly; that the accused did not ask for the release of the man as a favor or a right; he merely questioned the right of General Totten, and the witness thought he did it in an insubordinate manner. Such impression was more from the tone and manner of the parties present than the language used, as much so, at all events, and that General Totten was dressed in full citizen's dress.

Captain Rupp, one of the witnesses testifying in the case, states that in the conversation between the accused and General Totten, when the latter informed Lieutenant Dinsbeer that he was General Totten, Dinsbeer replied: "You must excuse me, I did not know that you were General Totten," and further asked the general if he would not give him his man, and said, "I am Lieutenant Dinsbeer, commanding my company, and will be responsible for him." After the accused said: "You must excuse me, I did not know you were General Totten," the latter said he wanted they should go back to their quarters and keep the men in, and that the accused then went up with the witness just as soon as they were ordered; that when they were going up they met Colonel Pound (the commander of the post), and he requested them to send the men to their quarters and that the officers did so. The witness further stated that he did not know of any riot on the part of the soldiers at

Jefferson City on that day, not while he was in the city; he did hear hallooing for Jim Lane. As to how many were hallooing he stated sometimes a good many were together; that the company of the accused was quartered right opposite the post headquarters, and that was all the riot the witness saw.

Your committee have been unable to find any substantial evidence of dereliction of duty on the part of this officer to keep his men under control, and so far as his interview with General Totten is concerned, he being the commanding general who preferred the charges against the accused, it would seem to be very proper under the circumstances that Lieutenant Dinsbeer, when momentarily expecting orders to move, would naturally be anxious to secure the release of his man under arrest in order that he might take him with him. In fact, as an officer loyal to the men whom he commanded, it was, in our opinion, a part of his duty to make a proper request for his release, and under the circumstances nineteen out of twenty commanding officers would have granted the request and released the soldier. General Totten's own condition with reference to being clothed in the garb of a citizen instead of wearing his uniform while giving military orders is responsible for the, to him, unpleasant phases of the interview. The history of the case justifies the comment that the difficulties mentioned would not have occurred but for lack of tact and discrimination on the part of the garrison and its officers, including General Totten.

Lieutenant Dinsbeer and his services were so highly appreciated that on the 26th day of January, 1864, thirty-four of the officers of the First Infantry Missouri State Militia addressed to the major-general commanding the Department of Missouri a request for the mitigation of the sentence in the officer's case. This was indorsed by the lieutenant-colonel of the regiment, dated at Pilot Knob, Mo., February 5, 1864; by Col. R. G. Woodson, commanding post at Pilot Knob, February 8, 1864; by Brig. Gen. Clinton B. Fisk, commanding district of St. Louis, February 11, 1864, and by the judge-advocate of the Department of Missouri, February 19, 1864.

On February 25, 1864, six of the officers constituting the court-martial before whom Lieutenant Dinsbeer was tried, in a communication addressed to Brigadier-General Totten, recommended that the officer be reinstated to the position which he formerly occupied. On February 19, 1864, General Totten, commanding the Department of Missouri, indorsed the recommendation of the court-martial commending Lieutenant Dinsbeer to the favorable consideration of the commanding general. On March 2, 1864, Maj. Gen. W. S. Rosecrans forwarded the same from his headquarters, Department of the Missouri, with the recommendation that the sentence be remitted and the officer restored to duty in consideration of the testimonials of good character from many reliable persons, including one from General Totten, who preferred the charges, asking for his release and return to duty.

Upon a careful consideration of all the testimony and proceedings in the case, your committee have arrived at the conclusion that a great injustice was done Lieutenant Dinsbeer, and that the wrong from which he has so long suffered should now be righted, and therefore recommend that the bill be amended by striking out all of section 2 and adding at the end of section 1 the following: "*Provided*, That no pay, bounty, or other allowance shall become due or payable by reason of the passage of this act," and that when so amended the bill do pass.

DONATION OF A CONDEMNED CANNON TO THE NATIONAL
ENCAMPMENT G. A. R.

MAY 23, 1898.—Committed to the Committee of the Whole House on the state of
the Union and ordered to be printed.

Mr. GRIFFIN, from the Committee on Military Affairs, submitted the
following

REPORT.

[To accompany H. Res. 271.]

The Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 271) authorizing the Secretary of War to deliver a condemned cannon, to be used for the purpose of furnishing memorial badges commemorative of the holding of the Thirty-second National Encampment of the Grand Army of the Republic at Cincinnati, Ohio, having had the same under consideration, submit the following report thereon:

The purpose of the resolution is to enable the citizens of Cincinnati, Ohio, having in charge the arrangements for the Thirty-second National Encampment of the Grand Army of the Republic, to be held in that city during the present year, to furnish the officers and members of such encampment memorial badges manufactured from cannon used in the late war to commemorate the holding of such encampment at such city. It has for many years been the unvarying custom of localities at which these encampments have met to present souvenir badges or emblems commemorative of the event to the members of the encampment, and the selections and designs have usually been suggestive of army experiences or associations. In keeping, therefore, with this custom, and as an appropriate selection, the citizens' committee of Cincinnati is desirous of obtaining the gift of a piece of condemned ordnance from the Government out of which the badges for the occasion mentioned may be manufactured.

Those having in charge the preparation of the badges have endeavored in the past to manufacture them from ordnance used in the civil war, and there is precedent for the passage of a resolution such as the one herewith reported even as late as the Fifty-fourth Congress, by which a similar resolution was passed donating a condemned cannon to the citizens' committee of Buffalo for like purposes, and the same was approved February 26, 1897.

The Government is protected from incurring any expense or loss of property beyond the donation of the cannon itself by the proviso at the end of the resolution in the following words:

Provided, That no expense shall be caused to the United States through the delivery of said condemned cannon.

The cannon mentioned in the resolution being unserviceable for any Government purpose, its donation as called for by the resolution will not involve any loss to the United States.

Your committee, therefore, recommend that the joint resolution do pass.

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MAPS OF THE ISLAND OF CUBA.

MAY 23, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. COX, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. Res. 268.]

The Committee on Military Affairs, to whom was referred the joint resolution (H. Res. 268) to print maps of the Island of Cuba, having had the same under consideration, hereby report to the House and recommend that the same do pass with the following amendment:

Strike out all after the word "department," in line 8 of the resolution, and insert the following: "and the sum of five thousand dollars, or so much thereof as is necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay for the same."

The committee hereto attach a letter from H. C. Corbin, Adjutant-General United States Army, showing the probable cost of the maps mentioned.

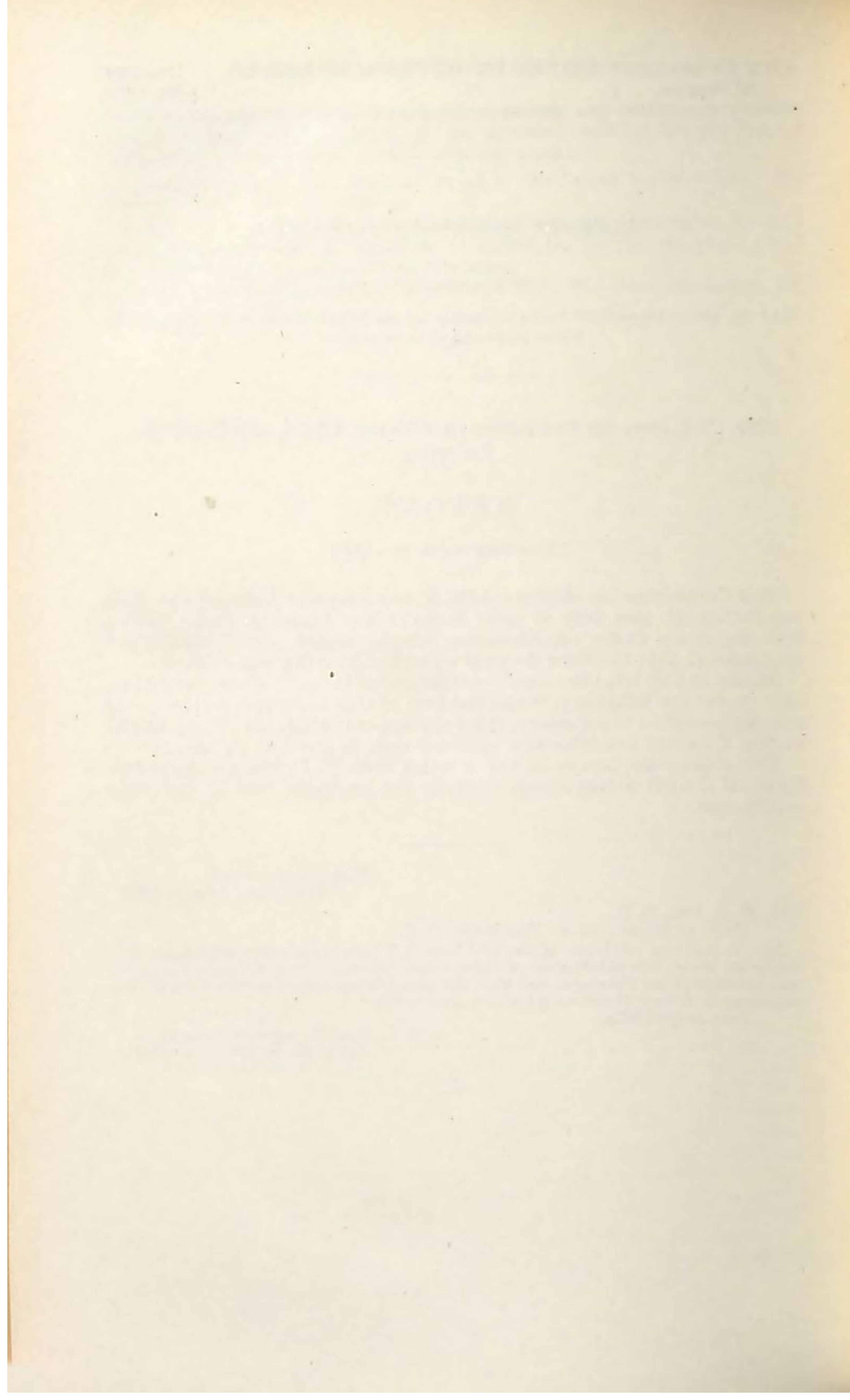
WAR DEPARTMENT,
Washington, May 18, 1898.

Hon. N. N. Cox, M. C.,
House of Representatives, Washington, D. C.

SIR: In reply to your letter of the 17th instant, I have the honor to inform you that the small scale (four sheet) map of Cuba, when procured in large quantities, will cost about \$375 per thousand, and that the photolithographers have signified their readiness to deliver 10,000 copies within two weeks.

Very respectfully,

H. C. CORBIN, *Adjutant-General.*
(For the Secretary of War.)



ROBERT S. MOORHEAD.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STURTEVANT, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 3144.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 3144) granting an increase of pension to Robert S. Moorhead, having carefully considered the same and the evidence relating thereto, respectfully report:

This bill, as amended, proposes to increase the pension of Robert S. Moorhead, of Erie, Erie County, Pa., from \$12 to \$24 per month.

Robert S. Moorhead served as private in Company D, One hundred and forty-fifth Pennsylvania Volunteer Infantry, from August 22, 1862, to May 31, 1865. He is now drawing a pension of \$12 per month under the act of June 27, 1890. The soldier has but little property, and that is heavily mortgaged.

He never filed a claim in the Pension Office for pension under the general law. His application for pension under the act of June 27, 1890, was filed August 28, 1890. This application was based on the fact that he lost his left leg below the knee by an accident in a sawmill, which occurred in October, 1871.

Under the general law, soldiers who lost a leg below the knee in the service are entitled to \$30 per month. There is no pretense that this soldier received any wounds or injuries while in the service.

He has, however, filed with this committee the affidavit of Jonathan Spaulding, the affidavit of Isaac N. Taylor, and the affidavit of John C. McIntosh, and also his own affidavit, from which it appears that said Robert S. Moorhead was a sound man when he entered the service, and was always on hand ready for duty until after the battle of Fredericksburg, in December, 1862, when, in consequence of severe and stormy weather and insufficient shelter, the soldier contracted a severe cold, which resulted in the entire loss of his voice, so that he was unable to speak above a whisper, and this trouble attended him and was complicated with lung disease to such an extent that he was unable to perform any manual labor until after the amputation of his leg, and which

amputation was made necessary by an accident in a sawmill, which occurred after the close of the war and the discharge of the soldier from the service of the United States.

Isaac N. Taylor, above referred to, is a physician, and was assistant surgeon of the One hundred and forty-fifth Pennsylvania Volunteers, and he testifies that he knew Moorhead well, and that he was sound in body and voice previous to the battle of Fredericksburg, and that he contracted the cold above referred to in the service and lost his voice and did not recover the same until four or five years after the close of the war. After the contraction of such cold his health was poor. It is undoubtedly true that the soldier contracted the cold, lost his health and voice, and suffered from disease of the throat and lungs down to the time of the sawmill accident.

Dr. D. D. Loop testifies that he knows the soldier and has known him for forty-five years; that he was sound when he entered the service; that soon after his return from the Army he treated the soldier for lung trouble, and continued to treat him until some time during the year 1874. He further testifies that in October, 1871, he, with Dr. L. J. Hall, was called upon to treat Robert S. Moorhead, and was compelled to amputate his left leg below the knee by reason of an accident in a mill or factory. He further testifies that previous to this accident Moorhead was not able to do manual labor on account of his lung trouble.

Dr. Loop further testifies: "Since the amputation of his limb he continued to improve in health and it is my belief that had it not been for the amputation of his limb he, the said Robert S. Moorhead, would not have been living at this time by reason of said lung trouble, which, I believe, must have been contracted in the Army during the war of the rebellion." The evidence of the soldier is to the same effect.

The affidavits referred to are annexed to this report and made a part hereof.

In view of these facts and of the circumstances of the soldier, his increasing age, and inability to earn a living, your committee report the bill back with the recommendation that it pass when amended as follows:

In line 7, after "Volunteers," insert: "and pay him a pension."

In line 8 strike out "thirty-six" and insert in lieu thereof "twenty-four."

In same line strike out the word "rate" and insert the word "pension" in lieu thereof.

Strike out all after the word "receives" in line 9.

Amend the title so as to read: "A bill granting an increase of pension to Robert S. Moorhead."

ERIE, PA., April 23, 1897.

MY DEAR SIR: I inclose herewith a number of affidavits for your inspection, and if satisfactory to you I would like to have you consult with Mr. C. W. Stone as to their sufficiency, and if any amendments are necessary please let me know and I will see what can be done. I have talked with Mr. Stone about asking Congress to pass a special bill and he will remember about it when you mention the matter to him. I have never talked with Mr. Davenport, but will write him and ask his support; and if you need any others to assist I can get Hon. M. E. Olmstead and Hon. W. S. Kirkpatrick and others to assist in the matter when the time comes.

Respectfully, yours,

R. S. MOORHEAD.

Hon. JOHN C. STURDEVANT, *Washington, D. C.*

Will you need my discharge paper?

STATE OF PENNSYLVANIA, *County of Erie*, ss:

In the matter of R. S. Moorhead, private, Company D, One hundred and forty-fifth Pennsylvania Volunteers.

On this 22d day of April, A. D. 1897, personally appeared before me, a justice of the peace, in and for the aforesaid county, duly authorized to administer oaths, Jonathan Spaulding, aged 63 years, a resident of Pennside, in the county of Erie and State of Pennsylvania, whose post-office address is Pennside, Pa., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

I have been personally acquainted with R. S. Moorhead since August, 1862, and personally know that at the time of his enlistment he was a well and sound man; also, that on or about the 13th of December, 1862, at the battle of Fredericksburg, Va., he contracted a bad cold, which affected his throat and lungs very bad, finally resulting in the loss of voice; said applicant was excused from duty for a long time after the battle, finally being appointed postmaster of said regiment on account of feeble health, which position he occupied until the close of the war. I also know that his health continued to be very poor during his service, not being able to speak aloud until about the date of his discharge. I have also been acquainted with applicant since the war, and have very frequently heard him complain of trouble with his throat and lungs. My knowledge in this case is gained from personal knowledge, being a tent mate with him during service and seeing him frequently since discharged. I have no personal interest in this case, and am not interested in the prosecution of the same. This is written by myself and dictated by none other.

JONATHAN SPAULDING.

STATE OF PENNSYLVANIA, *County of Erie*, ss:

Sworn to and subscribed before me this day by the above-named affiant, and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in nowise interested in said case, nor am I concerned in its prosecution; and that said affiant is personally known to me and that he is a credible person.

[SEAL.]

E. A. COLLINS,
Justice of the Peace.

(Certificate on file.)

STATE OF PENNSYLVANIA, *County of Crawford*, ss:

In the matter of pension application of R. S. Moorhead, Company D, One hundred and forty-fifth Regiment Pennsylvania Volunteers.

On this 17th day of April, A. D. 1897, personally appeared before me, a notary public in and for the aforesaid county, duly authorized to administer oaths, Isaac N. Taylor, aged 58 years, a resident of Meadville, in the county of Crawford and State of Pennsylvania, whose post-office address is Meadville, 533 State street, and well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to the aforesaid case as follows:

That affiant knew personally R. S. Moorhead, Company D, One hundred and forty-fifth Regiment Pennsylvania Volunteers, at and before the time of the battle of Fredericksburg, Va., December 13, 1862. Said soldier was well and sound of body and voice previous to the fight, but after the engagement, either the 14th or 15th of December, 1862, when affiant saw said soldier, he had lost the power of speaking aloud—could not speak above a whisper. I have personal knowledge that said Moorehead did not regain his voice during the war and for at least four or five years after the close of the war.

Affiant further declares that he has no interest in said case and is not concerned in its prosecution.

ISAAC N. TAYLOR, M. D.,
*Late Assistant Surgeon One hundred and
forty-fifth Regiment Pennsylvania Volunteers.*

STATE OF PENNSYLVANIA, *County of Crawford*, ss:

Sworn to and subscribed before me this day by the above-named affiant; and I certify that I read said affidavit to said affiant and acquainted him with its contents before he executed the same. I further certify that I am in no wise interested in said case, nor am I concerned in its prosecution, and that said affiant is personally known to me, and that he is a credible person.

[SEAL.]

J. N. McCLOSKEY, *Notary Public.*

STATE OF PENNSYLVANIA, *Erie County*, ss:

Before me, a notary public in and for said county, personally came John C. McIntosh, a resident of the city of Erie in said county, who, being duly sworn, doth depose and say that he was personally well acquainted with Robert S. Moorhead for several years before the latter enlisted in Company D, One hundred and forty-fifth Regiment Pennsylvania Volunteers, in the month of August, 1862, deponent having enlisted at the same time in the same company and regiment, and that during the time of said acquaintance prior to such enlistment said Moorhead enjoyed excellent health in every respect, and belonged to a healthy family. Deponent also says that for some days prior to as well as some days after the battle of Fredericksburg, Va., on December 13, 1862, in which both of them were engaged, the regiment was much exposed in consequence of the cold, stormy weather and insufficient shelter; that upon returning to camp after said battle said Moorhead was taken with a cold and entirely lost the use of his voice, being only able to speak in a whisper, in consequence of which disability he was detailed to act as mail carrier for said regiment, which position he held until he was mustered out with his company May 31, 1865; that deponent knew him well and saw him almost continuously until he was mustered out as above stated, deponent having been mustered out at same time as second lieutenant of said company; and that during this whole time said Moorhead was never able to use his voice or speak above a whisper; and deponent verily believes that the loss of his voice was entirely due to the exposure as above stated and the cold which settled on his lungs and throat in consequence of such exposure.

JNO. C. MCINTOSH.

Sworn and subscribed before me this 8th day of April, 1897.

[SEAL.]

J. M. SHERWIN,
Notary Public.

STATE OF PENNSYLVANIA, *County of Erie*, ss:

On the 5th day of November, A. D. 1895, personally appeared before me, a justice of the peace within and for the county and State aforesaid, D. D. Loop, M. D., who, being duly sworn, does depose and say:

I have been a practicing physician and surgeon for the past forty-seven years; that I have resided in the borough of Northeast and township of Northeast, Erie County, Pa., for sixty-four years, and that I have been acquainted with Mr. Robert S. Moorhead, who was a private in Company D of the One hundred and forty-fifth Regiment Pennsylvania Volunteers, for forty-five years. I was his father's family physician for many years before the war of the rebellion, and never knew but that the said applicant herein named was one of the soundest young men of my acquaintance before he entered the Army.

I further say that I have been the attending physician to his grandfather's as well as his father's family, and never knew of any lung trouble in either family. They were all well known to be strong, healthy people.

I further say that I was the attending physician to Mr. Robert S. Moorhead for many years after his return from the war. I began treating him some time in 1867 for a lung trouble, and continued to treat him until some time during the year 1874. I further say that on the 24th of October, 1871, I, with Dr. L. G. Hall, who was then one of the firm of Loop & Hall, but now deceased, of Erie County, was called upon to attend Mr. Robert S. Moorhead, and during our treatment of him were compelled to amputate his left leg below the knee, by reason of an accident caused from an injury received in a mill or factory. I further say that before the accident Mr. Moorhead was not able to do manual labor on account of lung trouble. Said lung trouble was, in my opinion, contracted by exposure while in the service of the Government as a soldier in the Army. Since the amputation of his limb he continued to improve in health, and it is my belief that, had it not been for the amputation of his limb, he, the said Robert S. Moorhead, would not have been living at this time, by reason of said lung trouble, which I believe must have been contracted in the Army during the war of the rebellion. I further say that I have no interest in this matter.

D. D. LOOP, M. D.

Attest:

GEO. E. PIERCE.
J. R. PHILLIPS.

Also personally appeared George E. Pierce, residing at Northeast, Pa., and J. R. Phillips, residing at Northeast, Pa., persons whom I certify to be respectable and entitled to credit, and who, being duly sworn, say that they were present and saw D. D. Loop, the affiant, sign his name to the foregoing declaration; that they have every reason to believe, from the appearance of said affiant and their acquaintance with him, G. E. Pierce for thirty years and J. R. Phillips for seven years, that he is

the identical person he represents himself to be; and that they have no interest in the prosecution of this claim.

GEO. E. PIERCE.
J. R. PHILLIPS.

Sworn and subscribed before me this 5th day of November, A. D. 1895, and I hereby certify that the contents of the above declaration, etc., were fully known and explained to the affiant and witnesses before swearing, including the words "for his," erased, and the words "by my," added, and that I have no interest, direct or indirect, in the prosecution of this claim.

[SEAL.]

R. S. PIERCE, *Justice of the Peace.*

STATE OF PENNSYLVANIA, *County of Erie, ss:*

On this 22d day of April, A. D. 1897, personally appeared before me, clerk of the court of quarter sessions, a court of record within and for the county and State aforesaid, Robert S. Moorhead, a resident of the city of Erie, county of Erie, State of Pennsylvania, who, being duly sworn according to law, declares that he is the identical Robert S. Moorhead, who was enrolled on the 22d day of August, A. D. 1862, in Company D, One hundred and forty-fifth Regiment of Pennsylvania, and was honorably discharged at near Alexandria, Va., on the 31st day of May, A. D. 1865; that his personal description is as follows: Age, 53 years; height, 5 feet 9 inches; complexion, dark; hair, black; eyes, blue. That after being enrolled as aforesaid he left Erie, Pa., with said regiment and was always on hand and ready for duty; was never on the sick list, and never consulted a doctor for any kind of sickness, until after the battle of Fredericksburg, Va., in December, 1862; that while a member of said organization and in the service and in the line of his duty at Fredericksburg, Va., on or about the 13th day of December, A. D., 1862, the regiment was much exposed in consequence of the cold, stormy weather and insufficient shelter, and he suffered from exposure and contracted a severe cold at that time, and after his return to camp with the regiment at Falmouth, Va., he was unable to report for duty, and for over two years thereafter he entirely lost the use of his voice and was unable to speak above a whisper, and on account of said disability he was detailed to take charge of the regimental mail, which position he held until he was discharged May 31, 1865.

He further states that he was never in the hospital and was never away from the regiment a day from the time that he was enrolled until the day that he was discharged. He further says that after he lost his voice he was treated by Dr. J. S. Whilden, one of the regimental surgeons, now dead, and oftentimes by the hospital steward, Dr. I. N. Taylor, whose affidavit is herewith filed. Claimant further says that after he returned to his home at Erie, Pa., he was not able to perform any sort of manual labor by reason of lung trouble contracted while in the Army and at the time and place aforesaid, and it was not until after the amputation of his leg that he was able to do any kind of work by reason of his injuries received at the time and place aforesaid by reason of said exposure, and he was treated by Dr. Bennett, of Erie, Pa., for some time. Dr. Bennett is now dead. That he was afterwards treated for lung trouble by Dr. D. D. Loop, of Northeast, Erie County, Pa., whose affidavit is herewith filed. Claimant thinks and believes that he is entitled to receive a pension much larger than he is now drawing under the act of June 27, 1890, and prays that he be rerated and placed on the pension rolls at \$30 per month in lieu of his present pension.

ROBERT S. MOORHEAD, *Claimant.*

Attest:

DANIEL KENDIG.
JOHN P. SULLIVAN.

Also personally appeared Daniel Kendig, residing at Erie, Pa., and John P. Sullivan, residing at Erie, Pa., persons whom I certify to be respectable and entitled to credit, and who, being by me duly sworn, say they were present and saw Robert S. Moorhead, the claimant, sign his name to the foregoing declaration; that they have every reason to believe from the appearance of the said claimant and their acquaintance with him that he is the identical person that he represents himself to be, and that they have no interest in the prosecution of this claim.

DANIEL KENDIG.
JOHN P. SULLIVAN.

Sworn to and subscribed before me this — day of April, A. D. 1897; and I hereby certify that the contents of the above declaration were fully made known and explained to the applicant and witnesses before me swearing, and that I have no interest, direct or indirect, in the prosecution of this claim.

[SEAL.]

JAMES W. ALLISON,
Clerk of the Court of Quarter Sessions.

STATE OF PENNSYLVANIA, *County of Erie, ss:*

On this 15th day of February, A. D. 1898, personally appeared before me, clerk of the court of quarter sessions, a court of record within and for county and State aforesaid, Robert S. Moorhead, personally known to me, who, being duly sworn according to law, declares that he is the identical Robert S. Moorhead whose name appears in bill 3144 of the Fifty-fifth Congress, first session, in the House of Representatives of the United States, and further says that he owns a small house and lot in the city of Erie, Pa., valued at about \$2,500; that there is a mortgage against said property of \$1,300, no part of which has ever been paid. He further says that he owes aside from said mortgage about \$800, and owns no other property except a small amount of household goods.

ROBERT S. MOORHEAD.

Sworn and subscribed to before me this 15th day of February, A. D. 1898.

[SEAL.]

JAMES W. ALLISON, *Clerk of Courts.*

STATE OF PENNSYLVANIA, *County of Erie, ss:*

On the day and year below mentioned personally appeared before me, a justice of the peace within and for the county and State aforesaid, D. D. Loop, M. D., who, being duly sworn, does depose and say: I have been a practicing physician and surgeon for the past forty-seven years; that I have resided in the borough of Northeast and township of Northeast, Erie County, Pa., for sixty-four years, and that I have been acquainted with Mr. Robert S. Moorhead for forty-five years. I was his father's family physician for many years before the war of the rebellion, and I never knew but that the said applicant herein named was one of the soundest young men of my acquaintance before he went to the Army. I further say that I was the attending physician to Mr. Robert S. Moorhead for many years after he returned from the war. I began treating him some time in 1867 for a lung trouble, and continued to treat him until some time during the year 1874. And I further say that on the 24th of October, 1871, I, with Dr. L. G. Hall, who was then one of the firm of Loop & Hall, but now deceased, was called to attend Robert S. Moorhead, and during our treatment of him we were compelled to amputate his left leg below the knee by reason of an accident caused from an injury received in a mill or factory.

I further say that before the accident Mr. Moorhead was not able to do manual labor on account of said lung trouble, which, in my opinion, was contracted by exposure while in the service of the Government as a soldier of the Army. I believe Mr. Moorhead must have had pneumonia in the Army and developed tuberculosis. On his return home from the Army he had a bad cough and hemorrhages. After his leg was amputated the stump did not heal, but kept open and discharged very freely for some time. A portion of the stump of the tibia took on tubercular inflammation and sloughed away.

The setting of the tubercular process in the leg produced a stasis of the tubercular process going on in the lungs and the said tuberculosis has remained latent since. Since the amputation of his limb he continued to improve in health. It is my belief that had it not been for the amputation of his limb, he, the said Robert S. Moorhead, would not be living at this time, owing to his said lung trouble, which I believe must have been contracted in the Army during the war of the rebellion.

I further say that I have no interest in this matter.

D. D. LOOP, M. D.

Sworn and subscribed to before me this 10th day of March, A. D. 1898.

[SEAL.]

R. S. PIERCE, *Justice of the Peace.*

HENRY HINCKLEY.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GIBSON, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 2393.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 2393) granting an increase of pension to Henry Hinckley, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from \$6 to \$12 per month the pension of Henry Hinckley, of Grand Junction, Colo.

The Senate report states the facts and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 2393) granting a pension to Henry Hinckley, Company G, Fifth Vermont Infantry, have examined the same and report:

The bill proposes to pension the petitioner at the rate of \$25 per month, the same to be in lieu of the pension he now receives.

The record of the case discloses the following facts: Petitioner is about 65 years of age and in straitened circumstances; he is pensioned at the rate of \$6 per month by certificate 642299, under the act of June 27, 1890; the records of the War Department show him to have enlisted August 26, 1861, in Company G, Fifth Vermont Infantry, and to have been discharged therefrom February 11, 1863, upon surgeon's certificate of disability; again enlisted November 23, 1863, in Company I, Seventh Vermont Infantry, from which honorably discharged July 18, 1865, the war having ended. He claimed pension under the general law for injury of right arm (for which disability he appears to have been discharged the first service) and for deafness; this claim is not established to the satisfaction of the Pension Bureau and stands rejected; likewise, a claim for further increase of pension under the act of June 27, 1890, stands disallowed on the ground of insufficient disability to entitle him to an increase thereunder, and therefore the only relief, at the present time, is by special bill.

Letters from prominent citizens of Grand Junction, Colo., whose standing is vouched for by the junior Senator from that State, indicate that the petitioner is in destitute circumstances and likely to become a county charge unless relieved in some manner. He is represented as a man of excellent habits and fully worthy of consideration. For the disabilities which he alleges to be of service origin, the United States examining surgeons have found a degree of disability which, if the said disabilities were of conceded service origin, would approximate to \$12 per month. The records of the Surgeon-General, U. S. A., show treatment for several disabilities during claimant's service, and, as above stated, the first discharge was for disability of right arm. Although temporarily recovering from said disability and thereafter reenlisting, it may not be unreasonable to assume that the existing affection of right arm had its origin in the service of the United States. The absence of testimony as to the precise manner of its incurrance affords the Pension Bureau ground for denying pension upon the ground (presumably) of a doubt as to line of duty; but in view of the history of the case, of the good standing of the petitioner, of the fact of his long and honorable service, and of the apparent necessity of relief at the present time, your committee recommend that the bill pass as hereby amended.

Amend by striking out, in line 7, the word "twenty-five" and inserting in lieu thereof the word "twelve."

JACOB MILLER.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MIERS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 4568.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 4568) granting a pension to Jacob Miller, have examined the same and the evidence and respectfully report:

This bill proposes to pension at \$12 per month Jacob Miller, of Valparaiso, Ind.

The Senate report states the main facts and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 4568) granting a pension to Jacob Miller, have examined the same and report:

The claimant under this bill is the idiotic and dependent son of Abraham Miller, late of Company E, Thirty-sixth Ohio Infantry Volunteers. The evidence shows that he has been idiotic from birth, and hence the case comes under the rule of this committee regarding the matter of pensioning the children of soldiers. He is living with his mother, who is 73 years of age and in needy circumstances.

The passage of the bill is recommended, with an amendment as follows:

Add to the bill the words "payable to his legally constituted guardian."

The father died of disabilities incurred in the service, and both the widow and son are without means or income of any kind. There is no one on whom they can depend for aid.

The Senate bill is reported back with the recommendation that it pass.

LUCY NICHOLS.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MIERS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 4741.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 4741) granting a pension to Lucy Nichols, have examined the same and the evidence relating thereto and most respectfully report:

This bill proposes to pension at \$12 per month Lucy Nichols, of New Albany, Floyd County, Ind.

The claimant served as a nurse from May, 1862, until the close of the war. She was in field hospital with the Twenty-third Indiana Volunteer Infantry, employed by Magnus Brucker, surgeon of said regiment. Her service and employment is not denied, but her application was denied at the Bureau because she was not employed by the authority recognized by the War Department as having such power.

The evidence shows that this claimant contracted disabilities in the service from which she has never recovered, and that she is now old, very poor, and unable to earn her living. She has no one on whom she can rely for support. She has the confidence and esteem of her neighbors and of those who knew of her service as a nurse. About fifty old soldiers who know of her valuable service join in asking this relief.

The bill is reported back with the recommendation that it pass when amended as follows:

In line 3, before "directed," insert "authorized and."

Line 4, commencing with "who" strike out all down to the end of line 7, and insert in lieu thereof "late an army nurse."

In line 8 strike out the word "to."

To the honorable the Senate and the House of Representatives of the United States of America in Congress assembled:

Your undersigned petitioner would respectfully represent that she is a resident of the city of New Albany, county of Floyd and State of Indiana, and that during the war of the rebellion she served faithfully as hospital nurse for the Twenty-third Regiment Indiana Volunteer Infantry from May, 1862, until the close of the war; that she was employed as such nurse by Magnus Brucker, chief surgeon of said regiment, at Bolivar, Tenn., in May, 1862, and served continuously until the summer of 1865, when said regiment was mustered out of the service by reason of the close

of the war; that she made application for pension under the nurse act of 1892, granting pensions to nurses, etc. The number of said claim is 1130541, which was rejected on the ground that the records failed to show that she was employed as such nurse by proper authority for the period of six months. She feels aggrieved at said rejection, for the reason stated, as she did serve as such nurse for a period of more than six months by authority of the chief surgeon of said regiment, which she believed was proper authority, and was so assured by said surgeon who so employed her as such nurse. Now, therefore, she files this her petition, and prays your honorable bodies to pass a special act granting her a pension of \$12 per month, as she is now near 60 years of age and in failing health and scarcely able to perform any sort of labor, and has no means of support except her daily labor.

Very respectfully submitted.

LUCY (her x mark) NICHOLS.

Witness to mark:

JOSEPH S. FOLEY.

Subscribed and sworn to before me the 16th day of November, 1895.

[SEAL.]

B. F. WELKER,
Notary Public.

NEW ALBANY, IND., *December 19, 1895.*

DEAR SIR: Herewith I send you the personal petition of Lucy Nichols, and also the petition of a great number of the exmembers of the Twenty-third Regiment Indiana Volunteer Infantry, for a special act pensioning the said Lucy Nichols on account of services rendered as hospital nurse of said regiment. The merits of her claim are set forth in said petitions, and knowing that you will do all you can for this old and invalid colored woman who so nobly stood by the boys of the Old Twenty-third Regiment, I will with confidence leave the matter with you for further action.

Very respectfully,

B. F. WELKER.

Hon. R. J. TRACEWELL, M. C.,
Washington, D. C.

STATE OF INDIANA, *County of Floyd, ss:*

In the matter of application of Lucy Nichols (for special pension act) as hospital nurse.

Personally came before me, clerk Floyd circuit court in and for the aforesaid county and State, William A. Burney, a citizen of New Albany, Ind., whose post-office address is New Albany, Ind., well known to me to be reputable and entitled to credit, and who, being duly sworn, declares in relation to aforesaid case as follows:

That he is a practicing physician, and that he has been acquainted with said Lucy Nichols for about seventeen years, and that he has been her family physician during the most of this time and especially during the last eight or ten years, and has treated her for the following diseases and complaints: Chronic rheumatism and chronic dyspepsia. The rheumatism affects the arms and shoulder joints, causing them to be stiff and very painful on movement; also the back and hips and lower limbs are at times very painful to move or walk, and that she suffers from palpitation of heart and chronic dyspepsia and constipation, and that these diseases and complaints render her unable to perform manual labor by reason of the aforesaid complaints and diseases and her advancing age.

The aforesaid facts are based on an examination and from having rendered her medical services for the said complaints.

He further declares that he has been a practitioner of medicine for eighteen years, and that he has no interest, either direct or indirect, in the prosecution of this claim.

WILLIAM A. BURNEY, M. D.

Sworn to and subscribed before me this 5th day of December, A. D. 1895; and I hereby certify that the affiant is a practicing physician in good professional standing; that the contents of the above declaration, etc., were fully made known to him before swearing, and that I have no interest, direct or indirect, in the prosecution of this claim.

[SEAL.]

FREDERICK SOUER,
Clerk Floyd Circuit Court

To the honorable the Senate and the House of Representatives of the United States of America in Congress assembled:

Your undersigned petitioners, who are exmembers of the Twenty-third Regiment Indiana Volunteer Infantry in the war of the rebellion, would respectfully represent that Lucy Nichols, formerly Lucy Higgs, a colored female hospital nurse in the regimental hospital of said regiment, having applied for pension under the act of 1892 granting pensions to nurses, etc., and said claim No. 1130541 having been rejected on the ground that the records fail to show that said claimant was employed as such nurse by proper authority for the period of six months;

Now, therefore, we, the undersigned exofficers and members of said regiment, having personal knowledge of the fact that said claimant was a true and faithful nurse in the hospital of said regiment from the summer of 1862 until the close of the war and did render great and valuable service to the sick and wounded of said regiment, and was at all times constant and untiring in her labors as such nurse. And now that she is old and infirm and greatly in need of aid, therefore we pray your honorable bodies to pass a special act granting her a pension at the rate of \$12 per month to support her in her declining years.

Alexander S. Banks, Company E, Twenty-third Indiana; David H. Johnson, Company I, Twenty-third Indiana; Levi H. Brown, Company D, Twenty-third Volunteers; J. S. Knowland, Company I, Twenty-third Indiana; James J. Cummins, Company D, Twenty-third Indiana; John H. Bane, Company I, Twenty-third Indiana Infantry; Geo. S. Kendall, Company G, Twenty-third Indiana Volunteers; Charles H. Kepley, Company C, Twenty-third Indiana Infantry; J. W. Portlock (his x mark), Company D, Twenty-third Indiana Infantry; Chas. Edwards, Company K, Twenty-third Indiana Infantry; James W. Ashby, Company C, Twenty-third Indiana Volunteers, Galena, Ind.; G. W. Owens, Company E, Twenty-third Indiana Volunteers, Orchard, Mo.; William Mix, Company E, Twenty-third Indiana Volunteers, New Albany, Ind.; Granville Holtzlaw, Company E, Twenty-third, New Albany; John Koch, Company C, Twenty-third, Celina, Ind.; Edward Harrison, Company G, Twenty-third, Marengo, Ind.; Thomas T. Reasor, Company F, Twenty-third Indiana; W. S. McClure, Company D; Cyrus B. Lewis, Company E, Twenty-third; Lafayette Frederick, Company K, Twenty-third Indiana Volunteers; H. C. Ferguson, major, Twenty-third Indiana; John Jackson, second lieutenant, Company C, Twenty-third Indiana; Peter L. McDaniel; Peter Pope, sergeant, Company A, Twenty-third Indiana; D. S. Jocelyn, private, F, Twenty-third Indiana; C. W. Woods, private, K, Twenty-third Indiana; John McClara, private, I, Twenty-third Indiana; Joseph H. Van Meter, private, I, Twenty-third Indiana; Benjamin B. John, sergeant, Company F, Twenty-third Indiana; J. W. Hammond, ex-captain, commanding Twenty-third Indiana Volunteers; Benjamin F. Current, Company D, Twenty-third Indiana Infantry; James A. Tyner, Company I, Twenty-third Indiana Infantry; William W. Daley, Company K, Twenty-third Indiana Infantry; Norman Cunningham, Company F; Benj. C. Smith, Company E, Twenty-third Indiana; Christian Boss, Company G, Twenty-third Indiana; William Andrews; W. J. Cearns, Company F, Twenty-third Indiana; Dan (his x mark) Meisenbretter, Company D, Twenty-third Indiana Volunteers; John W. Edmondson, Company E, Twenty-third Indiana Volunteers; Thomas Clark, late captain Company E, Twenty-third Indiana Infantry Volunteers; Charles E. Villier, Company D, Twenty-third Regiment Indiana Infantry; John Sendlewick, A, Twenty-third Indiana; S. J. McPheeters, surgeon, Twenty-third Indiana; Wm. R. Burton, Hastings, Nebr.; L. A. Hollis; A. S. Baner, late captain Company G, Twenty-third Indiana; John J. Hardin, late captain Company E, Twenty-third Regiment; John A. McWilliams, Company I, Twenty-third Indiana; R. A. Simpson, Company E, Twenty-third Indiana; William H. Sisco, Company E, Twenty-third Indiana; Frank Doutaz, Company K, Twenty-third Indiana; E. P. Bruner, Company K, Twenty-third Indiana; S. K. Hooper, adjutant, Twenty-third Indiana Volunteer Infantry; Roy Allen, Company E, Twenty-third Indiana Volunteers.

DAVID R. B. HARLAN.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. GIBSON, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 9224.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9224) granting an increase of pension to David R. B. Harlan, have considered the same and all the evidence and respectfully report:

This bill as amended proposes to increase from \$12 to \$20 per month the pension of David R. B. Harlan, of Nettleton, Caldwell County, Mo., late captain Company M, Ninth Missouri State Militia Volunteer Cavalry, who served from August 28, 1863, to April 14, 1865, and was honorably discharged on tender of resignation.

There is no record of any disability in the service, and he has filed no claim under the general law.

He filed and established a claim under the act of June 27, 1890, and was pensioned thereunder at \$6 from November 15, 1892, and \$12 from October 23, 1894, on account of contraction of ring and little fingers of both hands and disease of nervous system. He was last medically examined November 16, 1895, at Chillicothe, Mo., and he was then found to be totally disabled for manual labor by disease of nervous system. He is now totally disabled, but the Pension Bureau can do nothing for him.

The following letter shows claimant's present physical and financial condition:

WASHINGTON, D. C., May 18, 1898.

DEAR SIR: The beneficiary of H. R. 9224, David R. B. Harlan, is physically helpless and financially dependent. I know him, and trust the bill may be favorably considered.

Very respectfully,

A. M. DOCKERY.

Hon. GEO. W. RAY,
Chairman Committee on Invalid Pensions.

While these disabilities are not of service origin, it is proper to increase this soldier's pension to \$20 per month on account of his good service and his present necessitous circumstances.

The bill is reported back, with the recommendation that it pass when amended as follows:

Line 7, strike out "five."

From lines 7 and 8 strike out the words "from and after the passage of this act."

Strike out all after the word "receiving," in line 9.

THOMAS B. HAMMOND.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HENRY, of Connecticut, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 6076.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 6076) granting an increase of pension to Thomas B. Hammond, have examined the same and all the evidence relating thereto and respectfully report:

This bill proposes to increase from \$8 to \$30 per month the pension of Thomas B. Hammond, of Stamford, Conn., who served in Company H, Twenty-ninth Pennsylvania Volunteer Infantry, from January 15, 1864, to July 17, 1865, and was honorably discharged.

He filed and established a claim for pension under the general law and is now pensioned at \$8 per month for piles and resulting disease of rectum.

On June 5, 1896, he suddenly became blind, and since that time the discharge of blood and pus from the rectum, which troubled him before, has entirely ceased; and this is borne out by the report of the board of surgeons by whom he was examined.

It is alleged that the blindness is a result of the disease of rectum, and his physicians testify that in their opinion there was a connection between them, but the medical officers of the Pension Bureau refuse to accept the blindness as a result, and the medical referee has recently said:

It is not believed that a direct connection between disease of rectum and glaucoma is susceptible of proof.

The claimant is shown by the report of his last medical examination to be totally blind, and to have double inguinal hernia.

It is shown that claimant is without property or income and that he is 68 years of age.

In any event, your committee are of the opinion that this soldier is entitled to \$30 per month under all the circumstances. Certainly his present condition is not the result of vicious habits, and probably is the result of his army service. It may be impossible for medical

science to connect the disease of eyes with disease of rectum formerly existing, but it is strange that the one trouble should cease when the other developed.

We will not indulge in conjecture.

The bill is reported back with the recommendation that it pass when amended as follows:

Line 4, after "roll," insert "subject to the provisions and limitations of the pension laws."

Line 5, after "Hammond," insert "late of."

Same line, strike out "Thirty-ninth," and insert in lieu thereof "Twenty-ninth."

Line 6, strike out the word "to," and after "pension" insert "at the rate."

In lines 7 and 8 strike out the words "subject to the provisions and limitations of the pension laws, said pension to be."



MARY E. WALKER.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. MIERS, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 9732.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9732) granting an increase of pension to Mary E. Walker, have carefully examined the same and all the evidence relating thereto and respectfully report:

This bill as amended proposes to increase from \$8.50 to \$20 per month the pension of Mary E. Walker, of the city of Washington, who served as acting assistant or contract surgeon, United States Army, from March 11, 1864, to June 12, 1865, when her service was honorably terminated. Her original appointment was by order of Major-General Thomas, and she appears to have been paid \$80 per month. In September, 1864, on the recommendation of General Thomas, she was employed under contract at \$100 per month and assigned to the female prison at Louisville, Ky., where she was on duty until May 25, 1865. She was given a medal of honor by Congress and was highly commended by Edw. E. Phelps, M. D., LL. D., medical director at Louisville. The following is a copy of an Executive order in her case:

EXECUTIVE OFFICE.

Whereas it appears from official reports that Dr. Mary E. Walker, a graduate of medicine, "has rendered valuable service to the Government, and her efforts have been earnest and untiring in a variety of ways," and that she was assigned to duty and served as an assistant surgeon in charge of female prisoners at Louisville, Ky., upon the recommendation of Major-Generals Sherman and Thomas, and faithfully served as contract surgeon in the service of the United States, and has devoted herself with much patriotic zeal to the sick and wounded soldiers, both in the field and hospitals, to the detriment of her own health, and has also endured hardships as a prisoner of war four months in a Southern prison while acting as contract surgeon; and

Whereas by reason of her not being a commissioned officer in the military service, a brevet or honorary rank can not, under existing laws, be conferred upon her; and

Whereas in the opinion of the President an honorable recognition of her services and sufferings should be made:

It is ordered, That a testimonial thereof shall be hereby made and given to the said Dr. Mary E. Walker, and that the usual medal of honor for meritorious services be given her.

Given under my hand in the city of Washington, D. C., this 11th day of November, A. D. 1865.

ANDREW JOHNSON, *President*.

By the President:

EDWIN M. STANTON, *Secretary of War*.

Claimant appears to have served as an acting assistant surgeon for fifteen months, and to have been a prisoner of war for four months, and as would be natural her general health and constitution were greatly injured by the strain of confinement and exposure.

Dr. E. E. Phelps, medical director at Louisville, Ky., testifies to her having suffered from debility and prostration while under his charge at the female military prison at Louisville, and other evidence tends to show that by the hardships and exposure of the military service her general health was greatly impaired and has so continued ever since, and also that she contracted disease of eyes from which she has continuously suffered ever since.

She filed and established a claim in the Pension Office under the general law for disease of eyes, and for that disability she has been pensioned at \$8.50 per month (one-half total of rank as assistant surgeon). She has claimed that other disabilities, to wit, affection of lungs and impairment of digestive organs, have resulted from her disease of eyes, but this has not been accepted by the medical authorities of the Pension Office, and the claim based thereon was rejected. She appealed the claim to the Secretary of the Interior and the rejection was sustained. She appealed for reconsideration and that appeal was overruled. The action of the Pension Office and the Department appears to have been strictly correct. The disabilities named are not shown to have been due to disease of eyes or in any way connected therewith, but the general debilitated condition does appear to have been due to service and to have existed to a greater or less degree ever since, and by reason of such debilitated condition, together with disease of eyes, Dr. Walker would appear to be totally disabled for manual labor.

Had she served simply as a nurse for the length of time that she served in the higher capacity of assistant surgeon, she would, under the act of August 5, 1892, be entitled to a pension of \$12 per month. Her services were much more valuable and meritorious, involving much more hardship and exposure, and resulted in greatly injuring her general health. For these services she was commended by the officers under whom she served, by the President, and by the Congress.

She is now 66 years of age and poor, and it certainly is not improper for Congress to make some provision for her support for the remainder of her life.

The bill is reported back with the recommendation that it pass when amended as follows:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Mary E. Walker, late an acting assistant or contract surgeon in the United States Army, and pay her a pension at the rate of \$20 per month in lieu of that she now receives.

Amend the title so it will read: "A bill granting an increase of pension to Mary E. Walker."

MARGERETT FERRITER.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. KERR, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 4269.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 4269) granting a pension to Margerett Ferriter, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension, at the rate of \$12 per month, Margerett Ferriter, of 708 Grand avenue, Milwaukee, Wis.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 4269) granting a pension to Margerett Ferriter, have considered the same and report as follows:

This bill proposes to grant a pension of \$8 per month to Margerett Ferriter, widow of Patrick Ferriter, late a private in Company F, Twenty-fourth Regiment Wisconsin Infantry. There is no question of the honorable service and discharge of the deceased soldier, and of the widow's complete dependence within the meaning of the act of June 27, 1890. The difficulty encountered at the Pension Bureau was in the fact that, although lawfully married in 1870, the soldier and his wife were divorced in 1884, reunited a few months later without the formality of a second marriage, and lived together as man and wife until the soldier died, on September 1, 1895. The Pension Bureau rejected the widow's application for pension May 12, 1897, upon the ground of "no title under the act of June 27, 1890, as the claimant did not remarry the soldier until after the passage of said act."

This case should not be confounded with any of the so-called "remarriage cases." Mrs. Ferriter had no other husband than the soldier, and with the exception of less than one year, in 1884, lived with him continuously as his wife from 1870 to 1895. They were divorced in 1884 because of the soldier's intemperance, and on his promises of reformation were reunited a few months thereafter. Because of a religious belief that the marriage relation can not be broken by divorce proceedings, the soldier and his wife neglected the formality of a second marriage until he was required by a lawyer to marry again, so that his wife might inherit the home they were living in and to give a legal status to a child born since the parents resumed marital relations.

It is clear that this second marriage was not in contemplation of a pension. The evidence shows that the soldier applied to a lawyer for advice as to the disposition of his property in case of his death, stating that he desired his homestead to belong to his wife. In the course of this interview the soldier related the circumstances of the divorce proceedings in 1884. The lawyer readily saw the necessity of a second marriage, and advised him to have a civil marriage ceremony performed without delay. The soldier went home, and later returned with his wife. They were mar-

ried by the nearest justice of the peace, and the same day the soldier executed a conveyance of the homestead to his wife. Two years later the soldier died. The foregoing statements are substantiated by affidavits which are hereunto annexed.

Your committee are of the opinion that the widow in this case is justly entitled to a pension. She returned to her husband long before the act of June 27, 1890, was passed, and performed all the duties of a wife until the soldier died. The omission of a second marriage in 1885 was due to ignorance of legal requirements and to a belief that under the doctrines of the Catholic Church it was unnecessary.

Your committee recommend that the bill do pass.

STATE OF WISCONSIN, *Milwaukee County*, ss:

On this 21st day of March, 1898, personally came before me, a notary public within and for the county and State aforesaid, Margerett Ferriter, to me personally known, and who, being by me first duly sworn, says:

That she is 50 years of age and her residence and post-office address is 708 Grand avenue, Milwaukee, Wis.

That she is the widow of Patrick Ferriter, who was a member of Company F, Twenty-fourth Regiment Wisconsin Infantry Volunteers, during the war of the rebellion, and who died September 1, 1895.

That after the death of her said husband affiant desired to apply for a widow's pension, and being advised that she had no claim under the general law, her husband having died of acute pneumonia instead of the disease for which he was pensioned, she made application under the act of June 27, 1890, which application bore number 624287, and which was rejected May 12, 1897, upon the ground of "no title under the act of June 27, 1890, as the claimant did not remarry the soldier until after the passage of said act."

That the facts with regard to her marriage to soldier are as follows: Affiant and said soldier were married February 17, 1870, and lived together as husband and wife constantly and continuously until the year 1884, and five children were born to them during this time, all of whom are now living, all of whom affiant has cared for until three of them were able to do for themselves, and two of whom, together with their sixth and youngest child, hereinafter to be mentioned, are still living with affiant and are cared for by her. That during the said married life of affiant and soldier, said soldier was often addicted to drink and used intoxicating liquors to such an extent that he at times treated affiant and their children with extreme cruelty, and for some years prior to 1884 soldier was often intoxicated, the habit growing stronger as the years went on, and his treatment of affiant and their children became so cruel, owing to the influence upon him of said intoxicating liquors, that it became dangerous and unsafe for affiant to live with her said husband or for their young children to be under his influence. That affiant counseled with those in whom she had confidence, and, guided by their advice and by her own judgment, she instituted proceedings against her said husband for a divorce and for custody of their said children for the reasons above given, and a divorce and the custody of said children was granted to her.

That after the granting of this divorce in 1884 the said Patrick Ferriter began to desist from excessive drinking and reformed his habits in this respect, and he came repeatedly to see affiant and urged her to come back to him and to live with him, and he promised her that he would not resume his former habits of excessive drinking of intoxicating liquors.

And affiant here states that at all times herein mentioned both she and her said husband were members of the Roman Catholic Church, and that they were by that church taught and believed that divorce was not allowed or permitted to them, and she knows of her own knowledge that, notwithstanding the legal proceedings which were had in the courts in order to protect her and their said children from physical violence at the hands of said Patrick Ferriter at such times as he should be under the influence of liquor, both she and her said husband knew that said divorce was not recognized as a divorce by their church, and that they were not considered divorced from the contract of marriage which they had entered into with the authority and sanction of their church.

Affiant further states that notwithstanding the fact that she knew that said Patrick Ferriter ceased to drink intoxicating liquors to excess after the granting of said divorce, and notwithstanding the fact that he urged her repeatedly to live with him again as his wife, she hesitated and refused to do so because she feared that the reform might not be lasting, and that her said husband would again resume his habits of drinking intoxicating liquors to excess, in which case she knew that he would resume his cruel treatment of herself and children when in an intoxicated condition; but affiant states that as time went on and her husband did not resume his former evil habits, but instead remained sober and industrious, she decided that he had

reformed and was willing and anxious to treat her and their children properly, and so after a separation of a few months she resumed marital relations with the said Patrick Ferriter, and as the said Patrick Ferriter did keep his promises to her made and did refrain from excessive drinking, she lived with him as his wife from a period commencing a few months after said divorce until three months before his death, at the beginning of which months he had gone to Ireland to make a short visit at his old home there.

And affiant further states that she did not, at the time of so resuming marital relations with the said Patrick Ferriter, have any conception of her legal status on account of said divorce, such as she now has, because the same has been fully explained to her in connection with her said rejected claim for pension, and she did not know or realize that she should have had another marriage ceremony performed before so resuming marital relations, and affiant states that had she then had any such idea she would not have resumed such marital relations without such ceremony of remarriage.

Affiant states that the matter of her said divorce was arranged for her by influential friends, and aside from these, to whom she trusted the whole matter, none of her acquaintances or friends knew anything about the divorce, and as their separation was only a few months in duration, and as she had lived in a very quiet and retired way during such separation, almost no one of their acquaintance knew there had been a divorce, and that affiant and her said husband, after resuming marital relations, spoke of it to no one.

Affiant states that she, not knowing that she was doing anything wrong, attended to her duties as a housekeeper and mother of a family without giving the matter of another marriage a thought, and one child was born to her and the said Patrick Ferriter, in 1886, who is now living and under the care of affiant; and she had no knowledge in any way of her peculiar status so far as her relations with her said husband were concerned until about the 16th day of November, 1893, when, on account of said Patrick Ferriter having had a consultation with his attorney, Mr. Rip Reukema, of Milwaukee, in regard to the disposition of his property in case of his death, the truth concerning the matter was brought to her notice, said attorney having explained it to her said husband, who had come at once to her and had taken her immediately to his said attorney, who on said 16th day of November, 1893, explained the matter to affiant in the presence of said Patrick Ferriter, and who then, at their request, conducted them forthwith to a justice of the peace, who performed a civil ceremony of marriage between them.

That affiant and her husband were both grieved that they had not understood their legal position before this, and they did not mention the matter of the second marriage ceremony to anyone, as they were living together as husband and wife, and been so living together since the time of their marriage in 1870, with the exception of a few months in 1884 hereinbefore mentioned.

And affiant expressly states that the matter of a pension was not considered in any way in the matter of such second marriage, nor did it enter into the mind of anyone knowing of the same at the time; that such second marriage was brought about solely as has hereinbefore been stated and for no other considerations whatever.

And affiant further states that from the 17th day of February, 1870, until a very short time before the death of said Patrick Ferriter she lived with him as his wife, saving and excepting a portion of the year 1884; that she cared for the six children which were born to them in those years, and that three of them are still under her care, being aged 17, 15, and 11 years, respectively. That practically the only property which her husband had when he died was their little home on which there then was and still is a mortgage; and that affiant has a hard time to provide for herself and for said three children; and she is desirous that a special act be passed allowing her such pension as she would be entitled to under the June act, were it not for the unfortunate mistake made by her and her said husband at the time they resumed marital relations in 1884.

MARGERETT FERRITER.

Sworn to and subscribed before me this 21st day of March, 1898.

[SEAL.]

KATE H. PIER,
Notary Public, Milwaukee County, Wis.

STATE OF WISCONSIN, *Milwaukee County*, ss:

Rip Reukema, being first duly sworn, says that he is 40 years of age and a resident of the city of Milwaukee, Wis., and that for the past seventeen years he has been engaged in the practice of law in said city.

That for the last twenty years of the life of Patrick Ferriter, late of Company F, Twenty-fourth Wisconsin Infantry Volunteers, affiant was well acquainted with

him, and that affiant has been well acquainted with Margaret Ferriter, now widow of said Patrick, for the past ten years; that said Patrick Ferriter was a client of affiant's, Ferriter having been engaged in business as a plumber and having had more or less law business each year, so that affiant conversed with said Ferriter often in each year and knew him well.

Affiant well remembers that said Patrick Ferriter came to his office on or about the 16th day of November, 1893, in order to consult him with regard to the disposition of his property in case of his death. Said Ferriter stated to affiant that he desired his homestead to belong to his wife, the said Margaret Ferriter, and requested affiant to make out the necessary papers to insure this disposition. In this conversation he stated to affiant that some time before this, about the year 1884, his wife, through the advice of others, had applied for and procured a divorce from him on the ground of drunkenness. Ferriter had consulted or retained no lawyer in this matter, and had allowed the case to go by default, but that after the separation he had more fully seen his mistake and had reformed his habits and had then prevailed upon his then divorced wife to live with him again as his wife, and that after a brief separation, lasting less than a year, as the affiant now remembers, he and the said Margaret Ferriter had resumed marital relations and had lived together as husband and wife continuously since that time.

Affiant understands and then understood that said Patrick and Margaret Ferriter were members of the Roman Catholic Church, and that neither of them, under the rules of their church, considered the judicial decree of divorce in the same light as would a person not of that church, which, as affiant believes, does not authorize or permit divorce, and affiant believes, from his acquaintance with said parties, that they at all times felt that they were husband and wife, and that their resuming marital relations after said decree of divorce involved no moral turpitude.

Affiant further states that upon hearing this statement of fact from his client, Patrick Ferriter, he explained to him the legal status of the case, and advised him to have a civil marriage ceremony performed without delay; that, acting upon this advice, the said Patrick Ferriter went home and later returned with the said Margaret Ferriter and brought her to affiant's office, whereupon affiant conducted them to the office of the nearest justice of the peace, who at once remarried them, and thereafter and on the same day, as shown by a comparison of the record of the marriage and of the deed, the said Patrick Ferriter transferred his homestead so that his wife Margaret (Maggie) would own the same absolutely in case of his death.

That this transfer or arrangement with respect to the homestead was the occasion for the visit of Patrick Ferriter to the office of affiant, and the ceremony of remarriage between said Patrick and Margaret Ferriter was brought about, as affiant verily believes, solely on account of his advising and informing his said client in the matter as has hereinbefore been stated; and affiant states that no mention of a pension was made nor, to the best of affiant's knowledge and belief, thought of, and the said remarriage was not had in any way with a view to any pension.

R. REUKEMA.

Subscribed and sworn to before me this 9th day of March, 1898.

[SEAL.]

KATE H. PIER,
Notary Public, Milwaukee County, Wis.

The bill is therefore reported back with the recommendation that it pass.

EDWARD R. YOUNG.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. STURTEVANT, from the Committee on Invalid Pensions, submitted the following

R E P O R T.

[To accompany S. 4298.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 4298) granting an increase of pension to Edward R. Young, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from \$12 to \$20 per month the pension of Edward R. Young, of the United States Soldiers' Home, Washington, D. C.

The Senate report states the facts and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 4298) granting an increase of pension to Edward R. Young, have examined the same and report:

Edward R. Young enlisted April 8, 1861, in Battery H, First Regiment United States Artillery, to serve three years, and was discharged at Brandy Station, Va., April 11, 1864, by reason of expiration of service. He is now drawing a pension of \$12 per month under the act of June 27, 1890, because of being totally disabled for the performance of manual labor.

On the morning of February 22, 1887, at the Northwestern Branch of the National Home for Disabled Volunteer Soldiers, the said Edward R. Young was detailed as cannoneer in the firing of a salute in the celebration of Washington's Birthday. By the premature discharge of the cannon this soldier lost his right forearm and left eye.

No claim is made that the soldier has a pensionable status under the general law by reason of this accident, yet his present pitiable and destitute condition entitles him to a measure of sympathy somewhat above that accorded the ordinary "dependent" pensioner. Surely his sufferings and disabilities are more numerous and grievous than are those of the class contemplated by the act of June 27, 1890.

In view of this soldier's present condition and his good record during the civil war, your committee are of the opinion that the bill increasing his pension to \$20 per month should pass, and so recommend.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 7, after the word "pension," insert the words "at the rate."

JOHN N. LANDON.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 1361.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1361) granting an increase of pension to John N. Landon, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from \$10 to \$16 per month the pension of John N. Landon, of Leavenworth, Kans.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1361) granting an increase of pension to John N. Landon, have examined the same and report:

A similar bill passed the Senate and was reported favorably by the House during the first session of the Fifty-fourth Congress.

The Senate report was as follows, which your committee adopt, and recommend the passage of the bill:

"John N. Landon enlisted at Marietta, Pa., April 21, 1861, as private in Company K, Fifteenth Pennsylvania Infantry Volunteers, and was discharged August 8, 1861; reenlisted August 9, 1861, in Company H, One hundred and thirty-fifth Pennsylvania Infantry Volunteers, and was discharged May 24, 1863.

"On the 8th day of April, 1890, he applied for pension under old law, alleging rheumatism contracted in the service, which affected his right leg, which is now and has been for many years shrunk and decayed from the effects of the rheumatism.

"On July 3, 1890, he applied for pension under the new law, alleging rheumatism, resulting in his permanent and total disability.

"The examining boards before whom claimant appeared found him suffering from the disabilities which he alleged, and he was granted \$10 under the new law.

"There is no evidence on file with the papers in the claim to establish the allegation of soldier that disability originated in the service. We can not, therefore, see that he has a valid claim under the old law.

"Your committee therefore recommend the passage of the bill."

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In lines 8 and 9, after the word "Infantry" in line 8, strike out the words "said pension to be," and insert in lieu thereof the words "and pay him a pension."

In line 9, after the word "dollars," insert the words "per month."

Amend the title so as to read: "An act granting an increase of pension to John N. Landon."

MARY E. KLINE.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. KERR, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 3506.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 3506) granting a pension to Mary E. Kline, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to pension, at the rate of \$12 per month, Mary E. Kline, of Lafayette Hill, Pa.

The Senate report states the facts and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 3506) granting a pension to Mary E. Kline, have examined the same and report:

This woman is the alleged child of John Kline, who served as captain of Company H, Thirteenth Pennsylvania Cavalry, from May 1, 1863, to May 28, 1864, when he was killed in action.

His widow was pensioned in 1872 at \$20, total of soldier's rank, from date of his death. The child was never pensionable under any law. She was born December 27, 1848, and so became 16 shortly after her father's death, but before there was any law allowing pension to minor children. She applied for pension as a helpless minor, but the claim was rejected on the ground that claimant was never on the rolls and was over 16 years of age at date of filing.

There is some testimony on file with the committee as to the condition of the claimant, and the following is a copy of the same:

Dr. P. Y. Eisenberg, Norristown, Pa., testifies as follows:

"I have been acquainted with the said Miss Mary E. Kline for more than thirty-two years past, and personally know her to have suffered from epileptic convulsions to the present time, the paroxysms occurring several times a week, even several in one day, and again not for several weeks. Miss Kline falls in these convulsive attacks, bruising herself and breaking glassware, and therefore is unsafe as a domestic and is incapacitated to perform any service for a livelihood continuously without fear of accident to herself or things she comes in contact with. From my own personal knowledge, I knew her to be dependent on her mother in September, 1865, and was told by her mother herself that she then was, and had been prior and ever since the death of Mrs. Kline's husband, Capt. John Kline. I knew her mother to be a pensioner from September, 1865, to August, 1866, during the time I resided in Mrs. Kline's house, and was a member, so to speak, of her family.

"Mary Kline is unable to provide for herself, owing to her distressing disability—her services not being acceptable to persons employing help of any kind, owing to her affliction and the risks attendant upon its uncertainties. I am fully acquainted with this case professionally, and personally believe it to be eminently a meritorious one. Miss Kline's disability is one which is progressive, and from which she can not be expected to recover, but with advancing years her nervous system becomes more and more exhausted from the shock of the paroxysms, and her mental condition has been and is growing more and more enfeebled in consequence. Her memory has failed materially during the past twenty-five years. To my personal knowledge, she

has lived on the bounty of others from the time I first became acquainted with her to the present time."

There are two other affidavits practically to the same effect, and showing that claimant has never been able to be employed at any occupation suitable for a woman, and has always been dependent on others since her childhood.

The committee report favorably on this bill, with several amendments:

Amend the title so as to read: "A bill granting a pension to Mary E. Kline."

Amend by striking out all after word "cavalry," in line 7; also lines 8, 9, 10, and 11 to the word "at," and insert in lieu thereof the words "and pay her a pension."

Also strike out "twenty," in line 12, and in lieu thereof insert "twelve."

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 3, after the word "hereby," insert "authorized and."

In line 4 strike out the words "of the United States."



EDWIN HIGGINS.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BELKNAP, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany S. 873.]

The Committee on Military Affairs, to whom was referred the bill (S. 873) to remove the charge of desertion against Edwin Higgins, having had the same under consideration report it back to the House with the recommendation that the bill do pass with the following amendment.

Add the following proviso:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The Senate report is hereby adopted.

[Senate Report No. 515, Fifty-fifth Congress, second session.]

The Committee on Military Affairs, to whom was referred Senate bill 873, respectfully report:

In this case it appears that Edwin Higgins enlisted in Company H, Eleventh Michigan Infantry Volunteers, on the 24th day of August, 1861, and was made company bugler, and was within a short time promoted to be a principal musician and chief bugler of the regiment, and that he served as such principal musician until about the 5th of January, 1863, when, by a general order requiring the discharge of all principal musicians who had enlisted as such, and the reduction to the ranks of all who had been promoted to that position, he was reduced to private in Company H, Eleventh Michigan Infantry.

About January 10, 1863, he was ordered to hospital, and there being no room at Murfreesboro, where the company was then stationed, he was allowed to go to Nashville, where shortly afterwards he was placed in convalescent camp, and being informed by one of the officers that his "descriptive list" as principal musician was equivalent to a discharge, and being in a very feeble condition, he took advantage of an opportunity to go home, and did so. Edwin R. Pierce and Sarah Pierce testify that they were acquainted with Edwin Higgins during the years 1863 and 1864, and that during that time he suffered greatly from piles, dysentery, etc., and was utterly unable to perform the duties of a soldier. There is no record of his discharge in the War Department, though the records in the office of the adjutant-general of the State of Michigan show that the company return for June, 1863, reports him "Discharged at Nashville, Tenn."

Your committee are clearly of the opinion that this soldier had no intention of deserting; that he supposed himself to have been discharged, and went home under that belief, being incapable, in his enfeebled condition, of performing service as a soldier; and we therefore recommend the passage of the bill.

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY

REPORT
ON THE PROGRESS OF THE RESEARCHES
DURING THE YEAR 1900

BY
J. H. VAN VLECK

CHICAGO, ILL., 1901

THE UNIVERSITY OF CHICAGO PRESS

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WILLIAM A. KILBURN.

MAY 23, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. COX, from the Committee on Military Affairs, submitted the following

REPORT.

[To accompany H. R. 9701.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 9701) to remove the charge of desertion against William A. Kilburn, having had the same under consideration, report the same back to the House with the recommendation that it do pass.

The records show that William Kilburn enlisted, was enrolled, and mustered into service March 16, 1862, as private of Company E, Eleventh Regiment of Illinois Infantry Volunteers, to serve three years. He served faithfully until April 7, 1862, when he is marked as a deserter. On October 2, 1863, he enlisted in Company A, of the Second Tennessee Mounted Infantry Volunteers, and was mustered into service the same day as a musician, to serve one year. He served faithfully until October 14, 1864, when he was mustered out and honorably discharged at Nashville, Tenn.

The soldier states that when he left his command and is charged with desertion that he was given a pass by Capt. L. D. Waddell to go home, and that at that time the surgeon thought he had smallpox. He went to his home and remained there for some time, being sick with the measles when he arrived. It was some months before he was able for duty. When he became able for duty his regiment had moved, and he, not appreciating that it was necessary for him to rejoin his old regiment, enlisted in Company A, of the Second Tennessee Mounted Infantry Volunteers.

He presents a pass, which has the appearance of being genuine, which reads as follows:

Captain of boat will pass Joseph and William Kilburn down the river to Savannah.
April 7, 1862.

Capt. L. D. WADDELL,
Company E, Eleventh Regiment.

The soldier also presents a petition signed by 115 of his neighbors, asking that the charge of desertion be removed.

He also presents the affidavits of J. M. Dixon and C. H. Dixon, which are annexed hereto and made a part of this report.

MARCH 27, 1898.

STATE OF TENNESSEE, *Wayne County*:

Personally came J. M. Dixon before me and made the following statement: That his post-office address is Waynesboro, Tenn., and that he has known William A. Kilburn for over forty years, and that he went to the Army of the United States about the 1st of March, 1862. He came back home the last of March or 1st of April, 1862, in full uniform, and was not well when he got home. I understood that he was on furlough on account of his health, and in a few days was confined with bad case of measles. He got along badly, and was not able to hardly do anything for about six months. By this time his regiment was gone, he did not know where. Not knowing the rules of the Army, he volunteered later in Second Tennessee Mounted Volunteers, made a good soldier, and was honorably discharged when his time was out, he being in the same company that I belonged to.

J. M. DIXON.

Sworn to and subscribed before me March 29, 1898.

[SEAL.]

W. H. CASTEIL, *Clerk*.STATE OF TENNESSEE, *Wayne County*:

Personally appeared before me C. F. Dixon, a person with whom I am well acquainted, and whom I certify to be respectable and entitled to credit, who, being sworn, says in regard to W. A. Kilburn's war record: That he has known W. A. Kilburn ever since he (Kilburn) was a child, and said Kilburn went to Savannah, on the Tennessee River, when the Federal troops came up the river sometime before the battle of Shiloh, in 1862. Said Kilburn was gone about one month when he returned home in bad health, and he soon developed a case of measles. He was confined for quite a while. Affiant was living about 2 miles from said Kilburn at this time. Said Kilburn remained in bad health for about one year or more, and was not able to do farm labor in the summer of 1863. Affiant says he saw him, said Kilburn, at intervals all during this time. After he became able for service said Kilburn left home to reenter the service, about October, 1863, and in about twelve months from that time said Kilburn returned home. Affiant says that he saw said William A. Kilburn several times while he was in his last service, in Company A, Second Regiment Tennessee Mounted Infantry Volunteers; said company was stationed at Clifton, Tenn.; for some time during the year said Kilburn was in the service. Affiant says he is 69 years of age, and his post-office is Moon, Tenn. He is not interested, directly or indirectly, in this matter.

C. F. DIXON.

Sworn to and subscribed before me March 29, 1898.

[SEAL.]

W. H. CASTEIL, *Clerk County Court*.

REMOVAL OF DISABILITIES IMPOSED BY THE FOUR-
TEENTH ARTICLE OF THE CONSTITUTION.

MAY 24, 1898.—Referred to the House Calendar and ordered to be printed.

Mr. JENKINS, from the Committee on the Judiciary, submitted the
following

REPORT.

[To accompany S. 4578.]

The Committee on the Judiciary have had under consideration (S. 4578) an act to remove all disabilities imposed by the fourteenth article of the Constitution, and after a careful consideration report the same back with amendments, with recommendation that when so amended the same do pass.

Amend by changing the title so as to read as follows:

To remove all disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States.

Further amend by striking out all after the enacting clause, and insert as follows:

That the disability imposed by section 3 of the fourteenth amendment to the Constitution of the United States heretofore incurred is hereby removed.

Section 3 of the fourteenth amendment to the Constitution of the United States is as follows:

SECTION III. No person shall be a Senator or Representative in Congress or elector of President and Vice-President, or hold any office, civil or military, under the United States or under any State who, having previously taken an oath as a member of Congress or as an officer of the United States, or as a member of any State legislature or as an executive or judicial officer of any State to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof, but Congress may, by a vote of two-thirds of each House, remove such disability.

The fourteenth amendment to the Constitution of the United States was proposed by Congress and submitted to the ratification of the States by the act of June 16, 1866. On July 20, 1868, Mr. Seward, then Secretary of State, after receiving notice of ratification by the reconstructed legislatures, issued his proclamation announcing that the fourteenth amendment to the Constitution of the United States was in force, and shortly thereafter Congress declared the same a part of the Constitution.

Section 3 of the amendment with which the committee have to deal in effect provides that "any person who had previously taken an oath as a Member of Congress, or as an officer of the United States, or as a

member of any State legislature, or as an executive or judicial officer of any State to support the Constitution of the United States, who engaged in insurrection or rebellion against the same or gave aid or comfort to the enemies thereof should not be a Senator, or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, but Congress might by two-thirds vote of each House remove such disability." Thus five classes of persons could be placed under disability by the amendment in question. No doubt the immediate object of the amendment was to prevent the return to public life of some of the leaders of the rebellion, and no doubt Congress was of the opinion that the security of the Government required that the persons described in the third section should, for the time being, be excluded from Congress, from the electoral college, and from all civil and military offices, State and Federal.

But that it was not intended that this exclusion should be permanent or universal is evidenced by the provision that "Congress may by a vote of two-thirds of each House remove such disability." The amendment therefore, while it excluded from the rights and privileges named therein certain classes of citizens in the Southern States, left it to the discretion of Congress to remove the disability imposed in any and all cases where it was satisfied that it might be done with safety to the interests of the country. In his *Twenty Years of Congress*, Mr. Blaine makes the following interesting statement upon the operation of this section:

The political disabilities imposed by the third section of the fourteenth amendment to the Constitution affected large classes in the Southern States. When the amendment was under discussion in Congress, the total number affected was estimated at 14,000, but subsequently it was ascertained to be much greater. It included not only those who had been members of Congress or held any office under the United States, but all those who had been executive and judicial officers or members of the legislatures in the revolted States. The proclamation making its ratification known to the people was issued by Secretary Seward on the 20th of July, 1868, but in advance of this formal announcement Congress, then in session, began to relieve the persons affected.

The first act was for the benefit of Roderick R. Butler of Tennessee, Representative elect to the Fortieth Congress. It was approved on 19th of June, 1868, and permission was given him to take a modified oath. On the 25th of June amnesty was extended to about one thousand persons, and during the remainder of Congress some five hundred more were relieved from political disability. In the Forty-first Congress the liberality of the majority did not grow less, and during the two years three thousand three hundred participants in the rebellion, among them some of the most prominent and influential, were restored to the full privileges of citizenship, the rule being in fact that everyone who asked for it either through himself or his friends was freely granted remission of penalty.

At the opening of the Forty-second Congress it was evident that the practice of removing the disabilities of individuals would not find favor as in the two preceding Congresses. There was a disposition rather to classify and reserve for further consideration the really offending man and give general amnesty to all others. To this end, Mr. Hale, of Maine, on the 18th of April, 1871, moved to suspend the rules in order that a bill, introduced by him April 10, 1871, might be passed, removing legal and political disabilities from all persons who had participated in the rebellion, except the following classes:

First. Members of the Congress of the United States who withdrew therefrom and aided the rebellion.

Second. Officers of the Army and Navy who, being above the age of 21 years, left the service and aided the rebellion.

Third. Members of the State conventions who voted for pretended ordinances of secession.

It was further provided that before receiving the benefit of this act each person should take an oath of loyalty before the clerk of a United States court or before a United States commissioner. Debate was not allowed, and the bill passed by more than the requisite two-thirds—ayes 134, nays 46.

When the bill came up before the Senate, Mr. Robertson, of South Carolina, attempted to put it on its passage, but objection being made it was referred under the rule and postponed for the session.

At the second session of this Congress the bill of Mr. Hale was taken up. A motion by Senator Sherman was made to amend it by the insertion of his civil-rights bill.

This amendment was adopted by the casting vote of the Vice-President February 9, 1872, and the bill as thus amended was defeated—yeas 33, nays 19.

In his message of December 4, 1871, President Grant urged the removal of disabilities in the following language:

More than six years have elapsed since the last hostile gun was fired between the armies then arrayed against each other, one for the perpetuation, the other for the destruction of the Union. It may well be considered whether it is not now time that the disabilities imposed by the fourteenth amendment should be removed; that amendment does not exclude the ballot, but only imposes the disability to hold office upon certain classes. When the purity of the ballot is secure majorities are sure to elect officers reflecting the views of the majority.

I do not see the advantage or propriety of excluding men from office merely because they were before the rebellion of standing and character sufficient to be elected to positions requiring them to take oaths to support the Constitution and admitting to eligibility those entertaining precisely the same views but of less standing in their communities. It may be said that the former violated an oath while the latter did not. If they had taken this oath, it can not be doubted they would have broken it, as did the former classes. If there are any great criminals distinguished above all others for the part they took in opposition to the Government they might, in the judgment of Congress, be excluded from such an amnesty. This subject is submitted for your careful consideration.

On January 15, 1872, Mr. Hale moved to suspend the rules and put upon its passage an amnesty bill similar in all respects to his previous bill mentioned by Mr. Blaine, except that it omitted the third class excepted from amnesty in the first bill. This bill was passed by the House—ayes 171, nays 31; action was taken upon it in the Senate May 9, 1872, when it was amended by the casting vote of the Vice-President, and was lost in its passage by a vote of 32 yeas to 22 nays May 10, 1872. On May 13, 1872, Mr. Butler of Massachusetts reported from the Judiciary Committee a bill to remove all legal and political disabilities imposed by the third section of the fourteenth amendment to the Constitution of the United States from all persons whomsoever except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers in the judicial, military, and naval service of the United States, heads of departments and foreign ministers of the United States. In reporting this bill Mr. Butler said:

The House instructed the Committee on the Judiciary to report an amnesty bill containing the names of all the persons for the removal of whose disabilities application has been made to Congress. The other day (April 26) the Committee reported such a bill (H. R. 2564) containing some 15,000 or 16,000 names. The bill was ordered to be printed and recommitted. Since then amendments have been proposed including some twenty-five pages of additional names. I have also been instructed by the committee to report a general amnesty bill instead, which I now do.

On the same day, the House, under a suspension of the rules, passed both of these bills by the necessary two-thirds vote:

The general amnesty bill (H. R. 2761) was subsequently passed by the Senate May 21, 1872, only two votes being recorded against it, and it was approved by President Grant on the following day.

On June 1 President Grant issued his proclamation directing the district attorneys of the United States to dismiss all proceedings in quo warranto which had been instituted against all persons relieved of disability by the provisions of this act. In his message to Congress of December 1, 1873, President Grant again urged the subject of general amnesty. He said:

I renew my previous recommendation to Congress for general amnesty. The number engaged in the late rebellion yet laboring under disability is very small, but enough to keep up a constant irritation. No possible damage can accrue to the Government by restoring them to eligibility to hold office.

In response to this appeal, Mr. Maynard, of Tennessee, under instructions from the Committee on Rules, offered a bill (H. R. 472) granting general amnesty and prescribing an oath of office. The first section of this bill removed all disabilities imposed by section 3 of the fourteenth amendment to the Constitution. The second section of the bill repealed the act of July 2, 1862, prescribing what is known as "the ironclad oath," and provided that hereafter any person elected to any office of honor or profit under the Government of the United States either in the civil, military, or naval departments of the public service, shall, before entering upon the duties of such office and being entitled to any of the salary or other emoluments thereof, take and subscribe the oath prescribed by the act of July 11, 1868, entitled "An act prescribing an oath of office to be taken by persons from whom legal disabilities shall have been removed."

This bill was passed the same day under a suspension of the rules by a vote of 141 ayes and 29 nays.

On December 15, 1875, a similar bill was introduced by Mr. Randall, of Pennsylvania. To this an amendment was offered January 6, 1876, excluding Jefferson Davis from the provisions of the bill, which evoked an acrimonious debate, and the bill was defeated by a vote of 175 ayes and 97 noes. On January 10, 1876, the debate was continued on the bill introduced by Mr. Randall, during the course of which Mr. Randall took occasion to say: "Twice have Republican Houses passed this bill and twice has it been strangled in the Senate." Mr. Randall's language is to be found on page 323 of the Record of the date mentioned.

Mr. Blaine took part in the debate, saying: "It has been variously estimated that this section at the time of its original insertion in the Constitution included somewhere from 14,000 to 30,000 persons. As nearly as I can gather the facts of the case, it included about 18,000 men in the South."

And further on, continuing the subject, Mr. Blaine said:

I have had occasion by conference with the Department of War and of the Navy and with the assistance of some records which I have caused to be searched to be able to state to the House, I believe with more accuracy than it has ever been stated heretofore, just the number of gentlemen in the South still under disability. Those who were officers of the United States Army, educated at its expense at West Point, and who joined the rebellion and are still included under this act number, as nearly as the War Department can figure it up, 325; those in the Navy about 295; those under the other head, Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers in the judicial service of the United States, heads of departments, and foreign ministers of the United States, make up a number somewhat more difficult to state accurately, but smaller in the aggregate. The whole sum of the entire list is about—it is probably impossible to state it with entire accuracy, and I do not attempt to do that—750 now under disabilities.

Your committee are pleased to rely upon the facts and arguments made in behalf of this bill by two of the greatest men of their party and times—General Grant and Mr. Blaine.

It will take more time than your committee have at its disposal to ascertain just how many are at this time affected by the amendment in question. We were advised that we would have to communicate with at least the executive branches of government of all of the reconstructed States, and they in turn would have to communicate with parties scattered throughout the various States; and the committee are of the opinion that it is entirely immaterial whether there are any now affected by the disability, and, if any, how many, and have confined their examination to the disability imposed by the fourteenth amendment.

In support of the removal of the disability imposed by the amend-

ment under consideration, it is useless at this time to discuss the situation that led up to the adoption of this important amendment.

It is to be regretted that it was ever in the mind of any person that such extreme measures were necessary. Years have rolled by since that great struggle closed, and the American people look at public matters growing out of the war of 1861 in calmer moments when their judgment can be trusted and are willing to do exact and equal justice, and are practically unanimously of the opinion that this bill pass and the disability wholly removed from the statute book.

Long since the people of the reconstructed States became reconciled to the restoration of their States to their constitutional relations to the Union, and from the close of the war there was never any doubt in the minds of the patriotic, liberty-loving union people of the United States but that the people of the reconstructed States wanted to return to their political duty as citizens of a common country and do their best to make this nation all our forefathers intended it should be, but were prevented from making it by causes forcing themselves upon the convention. We are now in truth and in fact a reunited people, a nation composed of the several States of the Union, and the time has come in American history when the distinction between Federal and State rights should no longer exist, but all should be classed as citizens of the United States, cooperating for the common good, recognizing the just powers of the nation and the constitutional rights of the several States without any intention to impair the one or invade the other.

The seeds of the war were sown when the convention framed the Constitution under which we are now living, and it was only a question of time when the growth would be ready for the sickle, and the war was simply reaping the harvest. To the American people, the war was worth the sacrifice. It accomplished at a terrible cost of life and money what could not be realized by any other means. The nation now has a united patriotic people to sustain its life and further its progress; imbued with most excellent elements of patriotism and civil liberty and the future of the nation is assured with the simple requirement only that the people be law abiding. Human law is not necessary for the cementing of the North and the South. They are truly one people.

While the time is opportune for kindly and considerate acts, the pending war with Spain was not necessary to bring together the people of the North and the South. The universal good feeling so patriotically expressed wherever the American flag floats is an indication that the people not only are but for some time have been united. The nation needs the unison, not only to do battle with foreign foes, but for the uplifting and building up of great interests for the betterment of the people. Great questions of vital importance to the people yet have to be settled, requiring patriotism, intelligence, forbearance, and statesmanship.

Much work remains to be done. These questions can not be settled as long as the people are sectionally divided. Sectionalism must never return. It is our duty to-day to do all we possibly can to prevent it. Earnest efforts must be continued for the upbuilding of the nation for the common good of all. Keeping steadily in mind the equality of the States and equality of all before the law, allowing each elector and each State to exercise constitutional rights without force or denial, answerable to a higher power and intelligent surroundings, peace and prosperity will be with us as a nation.

It is gratifying to know that so many on both sides of that great conflict have been permitted to live long enough to learn that all of the

bad feeling engendered by the war has passed away. In no other country on the globe could such conditions arise. Unhappily divided as we were with a bitter warfare of over four years, a large part of our beloved country devastated, feeling strong, one section arrayed against the other, so that the whole country was involved, loss of life and property great, all tending to show how intensely bitter was the feeling between the two great sections of our nation, yet when the conflict ended, simultaneous with the laying down of arms and return of peace, word went forth that henceforth the people of the United States must and would be brethren. The glad tidings were indorsed by hearty handshakes by many of the contending forces and with softened feeling in the breasts of the two great armies. The survivors of them have faithfully kept the promise and have been the friends that only brave men can be. The excellent feeling prevailing teaches us that it is far better and more important to restore fraternal relations throughout the country than to stand on the strict letter of the law.

A little over thirty years have gone by since the curtain fell on the scenes of the civil war of 1861, and to-day many of those who were once in rebellion against the National Government are now in the same column marching side by side with those they once so bitterly opposed; marching under the flag of the Union; offering their life's blood upon the altar of their country in the defense of the nation they were once contending against. To-day loyalty is so universal throughout our beloved country that one can not tell whether the people come from the South or from the North. Certain it is that no political disability should rest upon any person or find any repose in the statutes of this country.

The committee are satisfied that the survivors of those once engaged in rebellion against this Government are loyal to the Union, and that it would be a fitting act before they all pass away, and while some of them are left, to remove the disability imposed by this amendment. The entire country feel that the nation to-day needs the assistance of all our citizens. It is best for all to feel an interest in the Government, and nothing should be said or done or allowed to remain that will in the least disturb the good feeling abroad in the land. What a glorious spectacle in so short a time—the North and South, once so fiercely divided, reunited. The North willing to remove all political disabilities, wipe out all sectional feeling, and the South ready to defend the nation with their lives and their money. In the pending conflict forced upon us, it is apparent that the South affected by the amendment are loyal and earnest in their support of the Government; that they are ready to furnish all the men and means necessary to make this nation successful.

The parting words of General Grant have come true. Nothing more beautiful can be said in support of the passage of this bill than was written in the summer of 1885 by the victorious general of the armies of the United States when he sat in the chamber of death, confronting with the imperturbable character of his nature the last great adversary. He had but a few hours, or at most a few days, to live. Realizing his condition in discussing what should be done and what would be done, he clutched his pen with dying fingers and left this inspiration for his countrymen.

I feel that we are on the eve of a new era, when there is to be a great harmony between the Federal and the Confederate. I can not stay to be a living witness to the correctness of this prophesy, but I feel that it is to be so.

We certainly can make no mistake when we follow the dying words of our great leader, Grant.

Your committee believe that they but voice the sentiment of the people of this nation when they unanimously say, let the disability be removed.

The safety and interests of the country do not require the disability to be in force.

To remove the same in accordance with the unanimous voice of the people is but a simple act of justice to the South as an expression of confidence by the North in the unquestionable loyalty of the Southern people.



CHAPTER I. THE HISTORY OF THE

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CHARLES R. PRADT.

MAY 24, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 10159.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 10159) granting an increase of pension to Charles R. Pradt, have examined the same and all the evidence and most respectfully report:

This bill as amended proposes to increase from \$14 to \$72 per month the pension of Charles R. Pradt, of Wausau, Wis., late private in Company H, Fourteenth Wisconsin Infantry, who served from October 7, 1861, to March 11, 1863, and was honorably discharged on surgeon's certificate of disability on account of "ascites abdominalis, dyspnœa, anæmia, also general debility. Has been off duty since April 15, 1862. Chronic diarrhea, of which the above are the results."

The records show him treated while in the service for diarrhea, jaundice, and debility. He filed and established a claim under the general law and was pensioned at \$4 from date of discharge; increased to \$6 from October 18, 1882; to \$10 from July 31, 1889, and to \$14 from July 11, 1894, which rate he is now receiving, for chronic diarrhea and resulting disease of stomach and liver. He has alleged impaired vision and hearing as results, but they are not so accepted by the medical officers of the Pension Bureau.

At an examination made November 20, 1895, this man was rated eighteen-eightieths for chronic diarrhea, eighteen-eightieths for deafness, and eighteen-eightieths for loss of sight. The board then stated that it was impossible to determine just how much of his present disabilities depends upon age and how much upon his army service. In their opinion, the latter has much to do with his present condition. He was shown to be totally disabled for manual labor, and to require the constant attention of another person.

At his last examination, made August 17, 1897, he was 5 feet 8½ inches high, weighed 115 pounds, and was 77 years of age. He was totally blind, so that he could not see the sunlight. It is shown also that he has to be fed and dressed by an attendant. He has partial

deafness of both ears. Board rated first grade for blindness, five-eighths for disease of stomach and rectum, and ten-eighths for deafness.

There has been evidence filed in the Pension Office and with this committee with a view to connecting his deafness with quinine treatment for malarial fever in the service, but the evidence is not sufficient to connect his deafness with his military service.

Claimant's financial condition is shown to be desperate.

An increase of pension to \$30 per month under the circumstances of this case is fully warranted, and the bill is reported back with the recommendation that it pass when amended as follows:

In line 6, after the word "Infantry," insert "and pay him a pension."

In line 7 strike out the word "seventy-two" and insert in lieu thereof the word "thirty."

In line 7 strike out the words "the same to be."

In line 8 strike out the words "now drawn by him" and insert in lieu thereof the words "he now receives."

DEPARTMENT OF JUSTICE,
Washington, D. C., May 9, 1898.

DEAR SIR: Hon. Alexander Stewart, Member of Congress from the Ninth district of Wisconsin, of which I am a resident, introduced a bill (H. R. 10159) on April 28 for increase of pension of my father, Charles R. Pradt, late a private of Company H, Fourteenth Regiment Wisconsin Infantry. I have since that time received from two physicians of Wausau, Wis., which is my father's home, affidavits setting forth his present condition and also relating to the matter of his deafness. I take the liberty to send you these affidavits, together with a letter from Dr. Jones relating to my father's condition.

I do this for the reason that, as shown by this letter and by the affidavits, he is in a very feeble and precarious condition, and the chances are that he will not live long (he is now nearly 78), and if this bill is to receive favorable consideration it will need to be reported upon very soon, or very probably will be too late. I care much more for the fact of a speedy and favorable report upon the bill than for the addition that the bill would make to my father's income, although he is in need of that, because such action of the committee would be a great comfort and satisfaction to him, especially in his present condition, being blind and deaf.

I hope that this suggestion from me will be considered as made in the proper spirit, and not as improper nor impertinent.

Yours, very respectfully,

LOUIS A. PRADT.

Hon. GEORGE W. RAY,

Chairman Committee on Invalid Pensions, House of Representatives.

In the matter of the bill for increase of the pension of Charles R. Pradt, late a private of Company H, Fourteenth Regiment Wisconsin Infantry.

I have this day examined the above-named claimant, and I find him in a very feeble condition. While in the service he had an attack of chronic diarrhea, and as a result of this he has alternate periods of constipation and diarrhea, accompanied by nausea and vomiting. His digestion is now very feeble, being unable to take any nourishment other than milk or light broth. This weakened condition of the digestive system is no doubt directly attributable to his attack of chronic diarrhea incurred while in the service.

He is now very deaf in both ears. It is almost impossible to talk with him. He can hear very loud conversation by means of an ear trumpet. This condition of deafness has been gradually increasing. He states while sick at camp and hospital he was given large doses of quinine which affected his hearing at that time, and has continued to increase up to the present time. It is possible and highly probable that the present condition of deafness owes its origin to this quinine treatment and the disease for which it was administered.

He is also totally blind. He is totally incapacitated for manual labor, in fact, is confined to his bed, and will probably live but a short time longer.

I have no interest in this claim. This affidavit is in my own handwriting.

DAVID T. JONES, M. D.,
Wausau, Wis.

April 30, 1898.

Subscribed and sworn to before me this 2d day of May, A. D. 1898.

[SEAL.]

A. A. BOCK,
Clerk Circuit Court in and for Marathon County.

STATE OF WISCONSIN, *Marathon County*, ss:

In the matter of the bill for the increase of the pension of Charles R. Pradt, late a private of Company H, Fourteenth Regiment, Wisconsin Volunteer Infantry.

Edward M. Kanouse, M. D., a regular practicing physician at Wausau, county and State aforesaid, and of eighteen years' standing, who, being duly sworn, deposes and affirms that he has known and treated said Charles R. Pradt more or less every year since 1885, being his family physician, and that during this time he has had alternate diarrhea and constipation with indigestion and dyspeptic trouble of stomach, by spells, and that he has told him many times that when in hospital in 1862 and 1863 he had, and was treated for, chronic diarrhea, and was then so heavily dosed with quinine that it affected his hearing, and that he never recovered his hearing fully afterwards, and that since about the year 1866 he has steadily lost his hearing in both ears until he is nearly deaf, and that when he enlisted in the United States service his hearing was good and acute; and further, that the board of examining surgeons for pensioners at Wausau found said Charles R. Pradt totally blind in both eyes, and nearly deaf in both ears, and suffering from indigestion and dyspepsia, with much tenderness of stomach and bowels; and further, that on the 23d day of April, 1898, he was called to see said Charles R. Pradt and found him with an acute attack of stomach and bowel trouble, and have made daily visits till the present time in caring for him, and that he is so much emaciated and so weak as to make his recovery very doubtful, and that it is his opinion that the large doses of quinine caused his deafness, and that his indigestion and stomach and bowel trouble is from his army service, and that they have so undermined his health that it would hasten any tendency he might have had to blindness, senile or otherwise.

EDWARD M. KANOUSE, M. D.

Subscribed and sworn to before me this 2d day of May, A. D. 1898.

[SEAL.]

A. A. BOCK,
Clerk Circuit Court.

ABRAHAM T. CASEY.

MAY 24, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. WARNER, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany S. 1807.]

The Committee on Invalid Pensions, to whom was referred the bill (S. 1807) granting an increase of pension to Abraham T. Casey, have examined the same and the evidence relating thereto and respectfully report:

This bill proposes to increase from \$12 to \$20 per month the pension of Abraham T. Casey, of Larned, Kans.

The Senate report states the facts, and is as follows:

The Committee on Pensions, to whom was referred the bill (S. 1807) granting an increase of pension to Abraham T. Casey, of Larned, Kans., having had the same under consideration, beg leave to report as follows:

This soldier served about one year as a private in Company H, First Illinois Volunteer Cavalry, and while in the service contracted chronic diarrhea, from which, with its attendant results of piles and rheumatism, he has continued to suffer ever since. After the close of the war he met with an accident by which he lost his right arm, and another accident shortly afterwards greatly injured his left arm.

He is a pensioner under the act of June 27, 1890, at the maximum rate of \$12 per month. A medical board, December 20, 1889, found chronic diarrhea to exist, and another board on December 31, 1890, rated him thirty-six eighteenths for loss of right arm and five-eighteenths for injury to left arm. Since that time his disabilities have increased, and he is now almost helpless.

His application to Congress is accompanied by a petition signed by nearly seventy of the most influential citizens of Larned, setting forth the fact of claimant's disabilities and his present incapacity to perform any labor. The petition also states that he has an invalid wife who requires constant care and medical attendance, and that claimant has no property, and his sole income is his pension of \$12 a month.

Your committee, taking all these facts into consideration, believe this to be a worthy case, and therefore recommend the passage of the bill, with amendment, at \$20 per month.

The bill is therefore reported back with the recommendation that it pass when amended as follows:

In line 7 strike out the word "at" and insert in lieu thereof the words "and pay him a pension at the rate of."

Amend the title so as to read: "An act granting an increase of pension to Abraham T. Casey."

MARY PAUL.

MAY 24, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. WARNER, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 7230.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 7230) granting a pension to Mary Paul, have examined the same and the evidence and respectfully report:

This bill proposes to pension at \$8 per month Mary Paul, of Galena, Ill., the mother of John Paul, late a private in Company C, Forty-fifth Illinois Volunteer Infantry, who served from September 2, 1861, to July 12, 1865, and was honorably discharged.

The medical records show him to have been treated in the service for malarial fever.

It is alleged by the claimant in her declaration for pension at the Pension Office, filed October 5, 1895, that soldier died at Jerseyville, Ill., December 30, 1881, from the effects of a railroad accident. The claim was rejected at the Pension Office August 28, 1896, on the ground that soldier's death was not due to his military service. It is necessary in a claim for pension as dependent mother to prove that soldier's death was due to service, whether the claim be under the general law or under the act of June 27, 1890, hence this mother has no legal title under any existing law.

This mother is 78 years of age and in necessitous circumstances.

The bill is reported back with the recommendation that it pass, when amended as follows:

In line 5 strike out "Mrs."

Amend the title so as to read: "A bill granting a pension to Mary Paul."

AUGUSTA TROLAND.

MAY 24, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BOTKIN, from the Committee on Invalid Pensions, submitted the following

REPORT.

[To accompany H. R. 9832.]

The Committee on Invalid Pensions, to whom was referred the bill (H. R. 9832) granting a pension to Augusta Troland, have examined the same and the evidence and respectfully report:

This bill proposes to restore to the pension rolls, at \$12 per month, Augusta Troland, of Norwich, Conn., former widow of Ferdinand Volkmann, late a private in Company C, Sixth Connecticut Volunteers, who served from September 6, 1861, to October 24, 1862, when he died in general hospital at Beaufort, S. C.

This claimant filed and established a claim and was pensioned as his widow from the date of his death to September 18, 1863, when she was married to James Troland, and the pension was continued to a minor child of the soldier until October 29, 1876, when he became 16 years of age.

It is alleged by claimant under oath that her second husband, Troland, died July 20, 1897, leaving her wholly without means of support; that she is possessed of no property and is old and by reason of infirmities of age and disability from rheumatism she is unable to do anything for her support. She is about 61 years of age.

If this claimant had not remarried she would now be drawing a pension of \$12 per month.

Claimant remarried less than a year after the death of her soldier husband, and lived as the wife of another man about thirty-four years, until his death. Of course a large amount of money was saved to the Government by this remarriage.

She is a war widow of good character and her first husband died in the Army.

The bill is reported back with the recommendation that it pass when amended as follows:

Line 8 strike out the word "eight" and insert in lieu thereof the word "twelve."

STATE OF CONNECTICUT, *County of New London*, ss :

On this 7th day of April, 1898, personally appeared before me, a notary public, in and for the county and State aforesaid, Augusta Troland, of Norwich, in said county and State, who, being by me duly sworn according to law, on her oath says, that she was the widow of Ferdinand Volkman, who, while in the service of the United States and in the line of his duty as a private of Company C, in the Sixth Regiment Connecticut Volunteers, died at Beaufort, S. C., October 21, 1862.

That afterwards a pension was granted to her, as the widow of said Ferdinand Volkman, at the rate of \$8 per month, as will appear by the records of the pension office.

That on the 18th day of September, 1863, she was remarried to James Troland of said Norwich.

That on the 20th day of July, 1897, the said Troland died, leaving her wholly without any means of support.

That by reason of her age and infirmity, particularly rheumatism, with which she is severely afflicted, she is unable to perform any manual labor.

That she is possessed of no property and is entirely without means of obtaining a subsistence.

She therefore prays that she may be restored to the United States pension rolls at the rate which she would now be entitled to draw had she remained the widow of the said Ferdinand Volkman.

AUGUSTA TROLAND.

Also personally appeared S. A. Webb, residing at Norwich, Conn., and Matilda Saurbeer, residing at Norwich, Conn., persons whom I certify to be respectable and entitled to credit, and who, being duly sworn, say that they were present and saw Augusta Troland, the petitioner, write her name to the foregoing declaration; that they have every reason to believe, from their acquaintance with her of ten years and fifty years, respectively, that she is the identical person she represents herself to be; that the matters therein set forth are true, and that they are disinterested.

S. A. WEBB.

MATILDA SAURBEER.

Sworn to and subscribed before me this 7th day of April, 1898.

S. S. THRESHER, *Notary Public*.

NORWICH, CONN., *April 18, 1898*.

MY DEAR SIR: I observe by this morning's Bulletin that you have introduced a resolution, or private bill, for the granting of a pension to Mrs. Augusta Troland, widow of Ferdinand Volkman, as requested. Mrs. Troland desires me to thank you for your kind and prompt attention to her case, but neither she nor her friends can understand why the bill, as introduced, provides for a pension of but \$8 per month. I think, however, that I understand it, and it is due to her and to you that I should write a few lines by way of explanation. Her petition, which I sent you, states that she was granted a pension of \$8 per month, and this is true; but the prayer of her petition is that "she may be restored to the pension rolls at the rate which she would now be entitled to draw had she remained the widow of Ferdinand Volkman," and that would be \$12 per month. When her pension was granted, and until March 19, 1886, \$8 was all that was allowed to widows, but by an act of the date last mentioned such pensions were increased to \$12, as you will see by reference to the act mentioned. It is no wonder that in the multiplicity of duties now pressing upon you the fact above mentioned was forgotten. Perhaps I should have made it plainer in her petition; at all events, I hope it is not too late for correction and trust that you may succeed in your effort in Mrs. Troland's behalf.

Very truly, yours,

S. S. THRESHER.

Hon. CHAS. A. RUSSELL.

REFUND OF CERTAIN DUTIES PAID BY THE STATE OF NEW YORK.

MAY 24, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. COOPER, of Texas, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 8003.]

The Committee on War Claims, to whom was referred the bill (H. R. 8003) to refund to the State of New York certain duties paid by said State in 1863, etc., on arms imported, submit the following report:

The report made to the House of Representatives at the first session of the Forty-ninth Congress is so full and conclusive that your committee have adopted it as a fair statement of the grounds for relief. It states:

The Committee on War Claims, to whom was referred the bill (H. R. 5011) to refund duties paid by the State of New York on arms imported in 1863, having examined the same and accompanying papers, submit the following report:

This claim is for duties paid by the State of New York on arms imported in 1863 and used in arming troops that were mustered into the service of the United States.

The foreign cost of the arms has been repaid by the United States, but the cost of importation has never been refunded. The application made by the State that it might be released from paying the duties was denied, for the reason that the act to remit duties on arms imported by States, approved July 10, 1861, and the act supplementary thereto, approved July 25, 1861, had expired by limitation.

It is evident that the foreign cost of the arms having been repaid by the United States, that part of their cost that the State was compelled to pay to the United States should also be refunded.

It seems to your committee that the duties paid were quite as much a part of the cost, charges, and expenses to the State in arming the troops as the original cost of the arms.

The duties were paid in gold, and at a time when the premium on gold was very high, which, of course, increased largely the expense to the State.

Your committee therefore recommend that said State of New York be reimbursed the amount of said duties paid on arms purchased by said State in 1863, and thus used in arming troops which were mustered into the service of the Federal Government, and that said bill do pass.

The following are the laws relating to the subject:

[12 Stat. L., p. 255.]

AN ACT to refund and remit the duties on arms imported by States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund and remit the duties and imposts on all arms

2 REFUND OF CERTAIN DUTIES PAID BY STATE OF NEW YORK.

imported into the United States since the first day of May last, or which may be imported before the first day of January next, by or for the account of any State: *Provided*, The Secretary of the Treasury shall be satisfied that the said arms are intended, in good faith, for the use of the troops of any State which is, or may be, engaged in aiding to suppress the insurrection now existing against the United States.

Approved, July 10, 1861.

[12 Stat. L., p. 274.]

AN ACT to refund duties on arms imported by States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized to refund, out of any money in the Treasury not otherwise appropriated, the duties paid on arms imported by States, under the conditions and subject to the limitation of the act approved the tenth day of July, eighteen hundred and sixty-one, entitled "An act to refund and remit the duties on arms imported by States."

Approved, July 25, 1861.

[12 Stat. L., p. 375.]

AN ACT in addition to an act to refund and remit the duties on arms imported by States, approved July ten, eighteen hundred and sixty-one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the authority given to the Secretary of the Treasury to refund and remit the duties and imposts on all arms imported into the United States by or for the account of any State, as provided in the act to which this is an addition, shall extend to arms for which orders or contracts were made prior to the first day of January, eighteen hundred and sixty-two: *Provided*, That said Secretary shall have satisfactory proofs exhibited to him that the said arms were actually purchased in a foreign country for account of a State, and that the price paid for the same by the State was only the first cost, and the usual and customary charges attending the purchase and importation of the same, exclusive of duty.

Approved, April 2, 1862.

Your committee recommend the passage of the bill, and attach to their report information relating to the claim and ask that it be printed as an appendix to this report.

APPENDIX.

In support of the passage of that bill or of some proper bill for the payment asked for, I respectfully submit the following history and facts for the consideration of Congress.

The record is an interesting one and illustrative of the too frequent delays of our Government in paying a just claim incurred by our State of New York at a grave crisis and time in our national life.

Under the calls of President Lincoln for troops during the civil war, and the proclamations and orders of the governor of the State of New York, and the urgent telegrams of Secretaries Seward and Stanton, and of the acts of Congress providing for repayment to the States by the National Government for troops and arms furnished by the States and used in the service of the United States, the State of New York, in July and August, 1863, bought and paid for arms in foreign countries, and upon their importation into the United States, at the port of New York, in those months, the customs authorities at that port exacted from the State of New York duties upon such arms so imported, which the State paid under protest. Those arms were used in arming New York regiments, and which regiments and arms were used in the service of the United States during the civil war.

The following are copies of such importations and of the invoices thereof, of whom bought, date of entry, cost of arms, and amounts of duties so paid.

The State of New York to Naylor & Co., Dr

1863.

July 3. For 1,000 Enfield rifles, at \$15.....	\$15,000.00
50 cases, at \$2.....	100.00
Duty paid on the above under protest, \$15,075 at 35 per cent, \$5,276.25; premium on gold, 43½ per cent, \$2,314.96.....	7,591.21
	22,691.21

REFUND OF CERTAIN DUTIES PAID BY STATE OF NEW YORK. 3

The ordnance stores above described have been received at the State arsenal, in the city of New York, and they have been inspected and accepted.

JAMES A. FARRELL,
Commissary-General of Ordnance, State of New York.

I certify that the above account is correct and just, and that the expenditure was necessary for the public service.

We certify that the above account of \$22,691.21 for arms purchased for the State, pursuant to chapter 222 of the laws of 1863, is proper to be paid from the appropriation made by said chapter.

Albany, ———, 186—.

HORATIO SEYMOUR, Governor.
D. R. FLOYD JONES, Lieutenant-Governor.
L. ROBINSON, Comptroller.

Received of W. B. Lewis, treasurer of the State of New York, \$22,691.21, in full of the above account.

NAYLOR & Co.

The State of New York to Merwin & Bray, Dr.

1863.

July 9.	For 1,180 Enfield rifles (in bond), at \$16.50, \$19,470; 59 cases, at \$2.50, \$147.50.....	\$19, 617. 50
	Duty per steamer <i>City of New York</i> , value \$8,542.84; duty per steamer <i>City of Cork</i> , value \$2,490.30; duty per steamer <i>City of Baltimore</i> , value \$2,244.80; total, \$13,277.94, at 35 per cent, is \$4,647.35; premium on gold, 44½ per cent, is \$2,068.08.....	6, 715. 43
23.	1,200 Enfield rifles (in bond), at \$16.50, \$19,800; 60 cases, at \$2.50, \$150	19, 950. 00
	Duty per steamer <i>China</i> , value \$45; duty per steamer <i>Glasgow</i> , value \$287; duty per steamer <i>City of Baltimore</i> , value \$271; duty per steamer <i>Etna</i> , value \$50; total, \$653; duty 35 per cent, \$228.55; premium on gold, 25 per cent, is \$57.14; duty per steamer <i>Great Eastern</i> on 960 rods, \$31.25; duty per steamer <i>Glasgow</i> , value \$484; duty per steamer <i>City of Baltimore</i> , value \$603; duty per steamer <i>City of Baltimore</i> , value \$436; total, \$1,523, at 35 per cent, is \$533.05; duty per steamer <i>City of New York</i> , value \$75; duty per steamer <i>City of New York</i> , \$220; duty per steamer <i>Bararia</i> , value \$2,500; duty per steamer <i>Arago</i> , value \$977; duty per steamer <i>City of Baltimore</i> , value \$436; total, \$4,235, at 30 per cent, is \$1,270.50.....	2, 120. 49
Aug. 3.	1,620 Enfield rifles (in bond), at \$16.50, \$26,730; 81 cases, at \$2.50, \$202.50.....	26, 932. 50
	Duty per steamer <i>City of London</i> , value \$3,612; duty per steamer <i>Edinburgh</i> , value \$2,515; total, \$6,127, at 35 per cent, is \$2,144.45; premium on gold, 28 per cent, is \$600.44; duty per steamer <i>City of Limerick</i> , value \$7,620; duty 35 per cent, is \$2,666.43; premium on gold, 27 per cent, is \$719.98; duty per steamer <i>City of Manchester</i> , value \$3,163; duty per steamer <i>Glasgow</i> , value \$435; total, \$3,598; duty 35 per cent, is \$1,259.30; premium on gold, 27 per cent, is \$341.01.....	6, 131. 30 1, 599. 31
		83, 066. 53

We certify that the above account of ——— dollars and ——— cents, for arms purchased for the State pursuant to chapter 222 of the laws of 1863, is proper to be paid from the appropriation made by said chapter.

Albany, ———, 186—.

HORATIO SEYMOUR, Governor.
D. R. FLOYD JONES, Lieutenant-Governor.
L. ROBINSON, Comptroller.

Received of ———, treasurer of the State of New York, \$83,066.53, in full of the above account.

MERWIN & BRAY.
ROBERT O. EDWARDS.

The ordnance stores described herein have been received at the State arsenal, in the city of New York, and they have been inspected and accepted.

JAMES A. FARRELL,
Commissary-General of Ordnance, State of New York.

4 REFUND OF CERTAIN DUTIES PAID BY STATE OF NEW YORK.

The original of this invoice placed in the hands of the adjutant-general June 7, 1877, for transmission to Washington.

The State of New York to Frank Otard, Dr.

1863.		
July 2.	For 111 cases containing each 24 No. 1 ordinary Enfield rifles, St. Etienne make, with tompons and snapcaps, equal to 2,664 rifles, at \$17 each, in bond.....	\$45,288.00
	111 cases, at \$2.....	222.00
		45,510.00
		In gold.
	Duties on invoice value \$36,765, at 35 per cent	\$12,867.75
	One-eighth per cent commission.....	16.08
		12,883.83
	Equal in currency to 144 $\frac{3}{4}$	18,601.03
	Stamps, entries, and fees.....	38.10
		18,639.13
		64,149.13

The ordnance stores above described have been received at the State arsenal, in the city of New York, and they have been inspected and accepted.

JAMES A. FARRELL,
Commissary-General of Ordnance, State of New York.

We certify that the above account of \$64,149.13, for arms purchased for the State pursuant to chapter 222 of the laws of 1863, is proper to be paid from the appropriation made by said chapter.

Albany, September 5, 1863.

HORATIO SEYMOUR, *Governor.*
D. R. FLOYD JONES, *Lieutenant-Governor.*
L. ROBINSON, *Comptroller.*

Received September 5, 1863, of Wm. B. Lewis, treasurer of the State of New York, \$64,149.13, in full of the above account.

FRANK OTARD,
pp. ARTHUR WIGERT, *Attorney.*

The original of this invoice placed in the hands of the adjutant-general June 7, 1877, for transmission to Washington.

The United States paid the foreign cost of such arms, but declined to remit or refund the customs duties so exacted, for the following reason:

The act of Congress entitled "An act to remit duties on arms imported by States," approved July 10, 1861 (12 Stat., 255), and the act supplementary thereto, approved July 25, 1861 (id., 274), expired by limitation January 1, 1862. While those acts were in existence, duties so paid by States were remitted upon the importation of arms, or if exacted were repaid to the States by the National Government, but not after January, 1862, unless the orders or contracts for such arms were made prior to January 1, 1862 (12 Stat., p. 375), by an act approved April 2, 1862, which was not the fact in this case.

When the arms in this case were ready for importation and entry at the port of New York, and in June, 1863, the State of New York, through its proper officer, made application to the then Secretary of the Treasury, Salmon P. Chase, that the State be relieved from the payment of duties thereon. The Secretary declined, upon the sole and express ground that the law authorizing remission had expired. The following is a copy of his letter:

TREASURY DEPARTMENT, *June 24, 1863.*

SIR: I have received your letter of the 22d instant, stating that you can purchase for the use of the State of New York 10,000 Enfield rifles now in bond, and asking if the State can be relieved from paying the duties thereon.

I regret to say that the law authorizing the remission of duty in such cases has expired.

I am, very respectfully,

S. P. CHASE,
Secretary of the Treasury.

JOHN T. SPRAGUE, Esq.,
New York City.

While the justness of this claim does not seem to have ever been questioned, the accounting officers of the Treasury Department, who, under chapter 21 of the act of Congress of July 27, 1861 (12 Stat., 276), and the joint resolution of Congress of March 8, 1862 (12 Stat., 615), were authorized to settle and pay to the States the costs and charges and expenses properly incurred by States for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops employed in aiding to suppress the then insurrection against the United States, have never felt that they were authorized, under those acts, to settle and pay this claim, especially as they contend that the rules and regulations issued by the Secretary of the Treasury to carry out the provisions of those acts did not extend to a remission of customs duties, and that Congress was, and is, the only body having power to provide for its settlement and payment.

The following statement will show that our State has been reasonably diligent in pressing for the refund of these duties:

First. The letter of the adjutant-general of the State of New York to Secretary Chase, and his answer thereto, in June, 1863.

Second. In December, 1863, Gen. James A. Farrell, commissary-general of the State of New York, transmitted to Edwin D. Morgan, then a Senator from New York, and to Homer A. Nelson, then a Representative from New York, papers in full, relating to such duties, and Senator Morgan introduced in the Senate, and Mr. Nelson in the House, a memorial or petition on behalf of the State for the remission of such duties, which was referred to the Committee on Ways and Means, but it does not appear that any final action was taken thereon.

The following is a portion of General Farrell's report relative to this matter:

[Extract from report of Brig. Gen. James A. Farrell, commissary-general of ordnance of the State of New York, dated December 25, 1863.]

* • *

The Enfields so contracted for were in bond, and a provision was accordingly inserted in the contract by which the contracting parties agreed to advance in behalf of the State the duties due thereon, in the event of the Government declining to remit the same, the moneys so advanced to be reimbursed to the parties by the State; and that after the execution of the said contract, and prior to the commencement of the performance thereof, the same were forwarded to the adjutant-general and returned to me with his approval endorsed thereon; that thereupon the Enfield rifles were released from bond, and the duties thereon, amounting to forty-nine thousand four hundred and fifty-seven dollars and fifty-seven cents, in currency, taking into consideration the premium existing on gold paid by the contracting parties under a written protest filed with the Hon. Hiram Barney, collector of the port of New York, executed by the undersigned in behalf of the State.

The contracting parties have been reimbursed by the State in the said sum of forty-nine thousand four hundred and fifty-seven dollars and fifty-seven cents, and accurate and verified statements of the duties paid and of all matters connected therewith have been prepared by me with great care and labor, and forwarded to Hon. Edwin D. Morgan, United States Senator, and Representatives H. A. Nelson and Henry G. Stebbins with a view of having Congressional action taken, indemnifying the State for the amount so expended; and I am positively assured by the gentlemen referred to that they will exert their best efforts to secure the accomplishment of the object desired; and they express their entire confidence that their efforts in this behalf will result in the State's complete indemnification.

* * * * *

JAMES A. FARRELL,
Commissary-General of Ordnance, State of New York.

Third. I do not find any record of further action in this matter until December, 1881, when the adjutant-general of the State of New York addressed a communication in writing to the Secretary of the Treasury, asking his attention and action in the matter and asking him to recommend an appropriation by Congress for the reimbursement of these duties. In January, 1882, the Secretary transmitted this letter and eight accompanying papers to the Speaker of the House of Representatives for such disposition as it might see fit to make of the claim.

Fourth. The claim was pending in the House of Representatives in February, 1884, before the Committee on Ways and Means, of which Mr. Hewitt, of New York, was chairman, and in response to a letter from him, as such chairman, to the Secretary of the Treasury, the Secretary wrote Mr. Hewitt a letter, of which the following is a copy:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 7, 1884.

SIR: I am in receipt of your letter of the 4th instant, in regard to a claim pending

6 REFUND OF CERTAIN DUTIES PAID BY STATE OF NEW YORK.

before your committee for the refunding of duties paid on arms purchased by the State of New York in 1863 and used in arming the State troops, which are stated to have been mustered into the service of the Federal Government, the State of New York being represented in the matter by J. B. Stonehouse, assistant adjutant-general of the State.

A letter was addressed by this Department to the Speaker of the House of Representatives on January 12, 1882, transmitting papers connected with the matter.

In addition to what was stated in that letter and its inclosures, I may add that on July 27, 1861, Congress passed an act directing the Secretary of the Treasury to pay, out of any moneys in the Treasury not otherwise appropriated, to the governor of any State, or its duly authorized agent, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting these troops, etc.

The arms referred to in this claim were imported for the use of the State of New York in equipping Federal troops, on which the State was compelled to pay the duties.

I understand that so far as the cost price of the arms is concerned the State has been in part, at least, reimbursed under authority of the act referred to, but that the duties have not been refunded.

It seems to me that the duties paid were quite as much a part of the cost, charges, and expenses to the State in arming the troops as the original cost of the arms and freight paid thereon.

These arms were purchased and the duties paid at a time when the premium on gold was very high, which of course increased largely the expense to the State.

Whether any claim for the enhanced expenses on this account should be allowed is for the committee to consider.

I therefore recommend an allowance of the claim in such an amount as may be proven to the satisfaction of the committee to be proper.

I may add that the arms in question were not, as I understand, imported within the time specified in the acts approved July 10, 1861, and July 25, 1861 (12 Stats., pp. 255, 274), and so authority for refund of the duties in question was not accorded by the act last mentioned.

Very respectfully,

CHAS. J. FOLGER, *Secretary.*

Hon. ABRAM S. HEWITT,

Committee on Ways and Means, House of Representatives.

Fifth. In April, 1886, a bill was pending in the Senate (Senate bill 1277) to repay these duties, and the Secretary of the Treasury, in answer to a letter from the chairman of the Committee on Finance, Hon. J. S. Morrill, wrote Mr. Morrill as follows:

TREASURY DEPARTMENT, *April 21, 1886.*

SIR: I am in receipt of your letter of the 18th instant, transmitting a copy of a bill (S. 1277) to refund duties paid by the State of New York on arms imported in 1863, and requesting to be informed of the facts in the case and of my views as to the propriety or justice of granting the relief.

The bill proposes to refund, out of any money in the Treasury not otherwise appropriated, the duties paid by the State of New York on arms imported in 1863, amounting to the sum of \$42,796.87, which sum includes the premium paid in the purchase of gold for the payment of said duties, provided that the Secretary of the Treasury shall be satisfied that the said arms were purchased in good faith for the use of the troops of the State of New York organized to aid in suppressing the then-existing insurrection against the United States.

This matter has been heretofore considered by the Department, and on the 7th of February, 1884, a communication was addressed to Hon. A. S. Hewitt, of the Committee on Ways and Means, House of Representatives, in relation thereto.

A copy of said communication is herewith inclosed, from which it will be seen that a letter on the same subject had been previously addressed to the Speaker of the House of Representatives, on January 12, 1882, and also that Secretary Folger was of the opinion that under and in pursuance of the principles enunciated in the act of July 27, 1861, the State of New York was entitled to a refund of the duties paid on such arms as were imported for use in arming volunteers from that State, as well as for the purchase price of such arms abroad, the act directing the Secretary of the Treasury to pay, out of any moneys in the Treasury not otherwise appropriated, to the governor of any State, or its duly authorized agent, the costs, charges, and expenses properly incurred by such State for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops, etc.

I have nothing to add to what was stated by Secretary Folger in such communica-

tion, further than to say that I can see no good reason to dissent from the recommendation made by him.

Respectfully, yours,

C. S. FAIRCHILD, *Acting Secretary.*

Hon. J. S. MORRILL,

Chairman Committee on Finance, United States Senate.

And on July 8, 1886, the Secretary wrote a substantially similar letter to Hon. John Sherman, then chairman pro tem. of the Senate Finance Committee.

Sixth. In March, 1886, a bill was pending in the House of Representatives, before the Committee on War Claims, to refund these duties, and that committee made a report to the House in favor of paying the same. The following is a copy of the report and bill.

[House Report No. 1297, Forty-ninth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 5011) to refund duties paid by the State of New York on arms imported in 1863, having examined the same and accompanying papers, submit the following report:

This claim is for duties paid by the State of New York on arms imported in 1863 and used in arming troops that were mustered into the service of the United States.

The foreign cost of the arms has been repaid by the United States, but the cost of importation has never been refunded. The application made by the State, that it might be released from paying the duties, was denied, for the reason that the act to remit duties on arms imported by States, approved July 10, 1861, and the act supplementary thereto, approved July 25, 1861, had expired by limitation.

It is evident that the foreign cost of the arms having been repaid by the United States, that part of their cost that the State was compelled to pay to the United States should also be refunded.

It seems to your committee that the duties paid were quite as much a part of the cost, charge, and expenses to the State in arming the troops as the original cost of the arms.

The duties were paid in gold, and at a time when the premium on gold was very high, which, of course, increased largely the expense to the State.

Your committee therefore recommend that said State of New York be reimbursed the amount of said duties paid on arms purchased by said State in 1863, and thus used in arming troops which were mustered into the service of the Federal Government, and that said bill do pass.

A BILL to refund duties paid by the State of New York on arms imported in eighteen hundred and sixty-three.

Whereas an act entitled "An act to remit duties on arms imported by States," approved July tenth, eighteen hundred and sixty-one, and the act supplementary thereto, approved July twenty-fifth, eighteen hundred and sixty-one, have expired by limitation: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized and directed to refund, out of any money in the Treasury not otherwise appropriated, the duties paid by the State of New York on arms imported in eighteen hundred and sixty-three, amounting to the sum of forty-two thousand seven hundred and ninety-six dollars and eighty-seven cents, which sum includes the premium paid in the purchase of gold for the payment of said duties: *Provided,* That the Secretary of the Treasury shall be satisfied that the said arms were purchased in good faith for the use of the troops of the State of New York organized to aid in suppressing the then existing insurrection against the United States.

A similar bill was introduced in the Senate and referred to the Committee on Finance:

Seventh. A similar bill was introduced in the House of Representatives, referred to the Committee on War Claims and reported favorably in January, 1888. (H. R. 1692, Report No. 43.) And again introduced and reported favorably in the House in December, 1889. (Report No. 103, H. R. 597.) And again, and the same action in February, 1890. And again a similar bill was introduced in the Senate in September, 1893. (S. 413.) And the House (H. R. 165) reported in favor of it. (Report No. 1770, in 1895.)

This is substantially the history of this claim. From the foregoing facts there can be no doubt but that the arms in question were bought abroad and imported into the United States, at the port of New York, and were used by the State of New York in arming its troops, and used in the defense of the United States during the

8 REFUND OF CERTAIN DUTIES PAID BY STATE OF NEW YORK.

late insurrection; that the State paid the duties thereon, constituting this claim, under protest; that such duties were a part of the cost of such arms, just as much as the original price of the arms or of the cost of their transportation from the place of purchase to the place of entry, and that the United States has not repaid such duties, which went into its own Treasury, because the law authorizing such payment expired by limitation January, 1862, about six months prior to their entry at New York, and that the rules of the Treasury Department providing for payment to the States for enrolling and arming State troops mustered into the service of the United States under acts of Congress of July 27, 1861, and March 8, 1862 (12 Stat.), do not provide for a refund of customs duties; that two successive Secretaries of the Treasury have, in express terms, recommended Congress to provide for such repayment; that different committees of the House of Representatives have recommended their payment, and no official or body having jurisdiction of them has reported adversely upon them.

Therefore, in behalf of the State of New York, I respectfully ask for the passage of bill by Congress to repay the same.

RICHARD CROWLEY,
State Agent for War Claims of New York.

○

ESTATE OF GEORGE DENNY.

MAY 24, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. DAVISON, from the Committee on War Claims, submitted the following

REPORT.

[To accompany House Res. No. 302.]

The Committee on War Claims, to whom was referred the bill (H. R. 4628) for the relief of the estate of George Denny, sr., submit the following report:

The evidence offered in support of this claim is in the form of ex parte affidavits, and your committee have no opportunity of subjecting the witnesses to a cross-examination, and are therefore of the opinion that this claim should be referred to the Court of Claims, where depositions can be taken in the usual manner prescribed by law, counsel for the Government and for the claimant having the right to cross-examine the witnesses making such depositions; and when the facts shall have been determined by the court upon the legal testimony thus taken and submitted, said facts to be reported to Congress for its consideration; and your committee report herewith a resolution to that effect and recommend its adoption.

JOHN A. BATES.

MAY 24, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. DAVISON, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 1326.]

The Committee on War Claims, to whom was referred the bill (H. R. 1326) for the relief of John A. Bates, submit the following report:

The facts out of which this bill for relief arises will be found stated in House report from the Committee on War Claims of the Fifty-second Congress, a copy of which is hereto attached and made a part of this report.

Your committee recommend the passage of the bill.

[House Report No. 972, Fifty-second Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 4402) for the relief of John A. Bates, submit the following report and recommend the passage of the bill:

The testimony on file in the claim shows that the petitioner, John A. Bates, was a soldier in the Army of the United States, serving in Company I of the First Regiment of Alabama Cavalry, under Col. George E. Spencer, in the year 1864; that he was the sole owner of two bales of lint cotton which he had in store; that said cotton weighed about 1,100 pounds; that about May 25, 1864, immediately after the battle of New Hope Church, Georgia, the Federal authorities established a field hospital in the neighborhood and took the said cotton of the petitioner and used the same for hospital purposes; that by this action of the United States forces the said cotton became totally lost to the petitioner; and that no payment for the same has been made.

Your committee, therefore, satisfied of the loyalty of the claimant, of his ownership of the property, that the prices are no greater than the value of the property at the time it was taken, report the bill back and recommend its passage.

PROTESTANT ORPHAN ASYLUM, NATCHEZ, MISS.

MAY 24, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. HENRY, of Mississippi, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 6789.]

The Committee on War Claims, to whom was referred the bill (H. R. 6789) for the relief of the Protestant Orphan Asylum of Natchez, Miss., submit the following report:

This claim was presented to the Fifty-fourth Congress and was reported on by the Committee on War Claims, to whom it was referred.

The investigation of the claim by your committee leads them to the same conclusions as those reached by the committee of the Fifty-fourth Congress. It is therefore deemed unnecessary to recapitulate the facts set forth in that report, a copy of which is hereto attached for information and made a part of this report.

Your committee recommend the passage of the bill with the following amendments:

In line 10 strike out all after the words "late war."

Strike out the whole of lines 11, 12, 13, 14, and 15.

[House Report No. 1616, Fifty-fourth Congress, first session.]

The Committee on War Claims, to whom was referred the bill (H. R. 1809) for the relief of the Protestant Orphan Asylum of Natchez, Miss., submit the following report:

The facts out of which this claim for relief arises will be found stated in House report from the Committee on War Claims of the Forty-seventh Congress. It is therefore deemed unnecessary to recapitulate the facts set forth in that report, a copy of which is hereto attached for information.

Your committee recommend the passage of the bill.

[House Report No. 1903, Forty-seventh Congress, second session.]

The Committee on War Claims, to whom was referred the bill (S. 1939) for the relief of the Protestant Orphan Asylum, at Natchez, in the State of Mississippi, report as follows:

The facts out of which this claim for relief arises will be found stated in Senate

report of the Committee on Claims, first session Forty-seventh Congress. Your committee adopt said report as their own, and report back the bill with the recommendation that it do pass.

We annex hereto the report made by the Senate Committee on Claims.

[Senate Report No. 657, Forty-seventh Congress, first session.]

The Committee on Claims, to whom was referred the bill (S. 1939) by which \$1,750 is proposed to be paid to the Protestant Orphan Asylum at Natchez for the use and occupation of their property during the late war, have considered the same, and hereby adopt the following report of the Committee on War Claims made to the House of Representatives, Forty-fourth Congress, as follows, and recommend the passage of the bill as amended:

"That said orphan asylum was established in 1816 at Natchez, Miss., and incorporated in 1824 by the legislature of Mississippi; that at the commencement of the late war, and up to March, 1864, when said asylum was taken possession of by the military authority of the United States, said asylum was used for support, protection, and education of Protestant orphans from Adams County and the city of Natchez; that when said asylum was taken possession of it was in a flourishing condition, but the inmates were soon removed and lines of fortifications extended around the buildings, and the buildings themselves and the furniture used for military purposes; that during the time of its occupancy by the military authorities one of the buildings was destroyed and the furniture made away with—used up or destroyed; that by an order of the commander, General Sherman, a board of officers was convened to value the property, and that board assessed the value of the property at some \$10,000; but it was not wholly destroyed, as at first contemplated, but one of the houses only attached to the asylum, together with the furniture, shrubbery, flowers, etc., so that when the property was restored in 1865, after the war, to the authorities of the asylum, it was in a greatly dilapidated condition. Many thousand dollars have been spent upon the property since—money contributed by citizens and raised by fairs held for the benefit of the orphans. But those sources having failed, the trustees and managers now appeal to Congress for compensation in some sort for the injury which has been inflicted upon a charitable institution. In view of all the circumstances, your committee do not see how, under the law, they can recommend full compensation for the great damage sustained by this institution, but they are unanimously of the opinion that the Government should pay full rent for the time the property aforesaid was used by the authorities of the United States—some sixteen or eighteen months—and to that end report a substitute for said House bill, paying to the trustees and managers of said orphan asylum \$1,750 for the use and occupation of their building by the military forces of the United States."

From the unanimous report of the War Claims Committee above set out this committee are led to infer that there was an express or implied contract to pay for the use and occupation of the property. Though this is not entirely clear, your committee, in view of the fact that Congress has with great unanimity given relief to the destitute in the overflowed districts, are disposed to waive strict proof of such agreement, and unanimously recommend the passage of the bill as amended by the committee.

MARY E. O. DASHIELL.

MAY 24, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. OTJEN, from the Committee on War Claims, submitted the following

REPORT.

[To accompany House Res. No. 303.]

The Committee on War Claims, to whom was referred the bill (H. R. 9235) for the relief of Mary E. O. Dashiell, submit the following report:

This is a claim for 600 cords of wood furnished the Army of the United States during the winter of 1862 and 1863. Claim stated at \$1,800.

The evidence offered in support of this claim is in the form of ex-parte affidavits, and your committee have no opportunity of subjecting the witnesses to a cross-examination, and are therefore of the opinion that this claim should be referred to the Court of Claims, where depositions can be taken in the usual manner prescribed by law, counsel for the Government and for the claimant having the right to cross-examine the witnesses making such depositions; and when the facts shall have been determined by the court upon the legal testimony thus taken and submitted, said facts to be reported to Congress for its consideration; and your committee report herewith a resolution to that effect and recommend its adoption.



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REPORT

OF THE

COMMISSIONERS OF THE LAND OFFICE

JOHN DAILEY.

MAY 24, 1898.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. COOPER, of Texas, from the Committee on War Claims, submitted the following

REPORT.

[To accompany H. R. 10384.]

The Committee on War Claims, to whom was referred the bill (H. R. 10384) for the relief of John Dailey, submit the following report:

The claim is for pay as captain in the Third Rhode Island Heavy Artillery Volunteers from August 20, 1861, to February 9, 1863. Claim stated at \$1,293.50.

The proof shows that in the summer of 1861 John Dailey recruited Company K, Third Regiment Rhode Island Heavy Artillery, and was elected captain of said company and commissioned as such by Governor William Sprague, of said State; that on the 20th of August, 1861, he was mustered into the service of the United States as captain of said company by Colonel Loomis, Fifth United States Artillery, at Railroad Hall, in the city of Providence, at the same time and together with his said company; that the musterroll of said company was lost or destroyed, and therefore Captain Dailey's muster can not be proved thereby, but it is proved by the affidavits of 36 members of said company, made October 6, 1864, and the affidavits of Peter A. Sinnott, acting major of said regiment, and of James Moran, who was a lieutenant in said Company K; that Captain Dailey, as captain of said company, accompanied his said company and regiment to Fort Hamilton, N. Y., and to Washington, D. C., and served with it as such captain until on or about September 28, 1861, when, under orders from Col. N. W. Brown, colonel of said regiment, he went to Providence with his said colonel and reported at the office of the adjutant-general of Rhode Island, and continued to report there daily for some six months without receiving any further orders until, at the expiration of said six months, said adjutant-general took Captain Dailey's city post-office address and told him it was unnecessary to report longer, and that he would be notified as soon as there were any orders for him; that on the 9th of February, 1863, the governor of Rhode Island assumed to revoke and cancel the commission of Captain Dailey.

By resolutions of the general assembly of Rhode Island, in 1863, Captain Dailey was paid \$1,200, including \$400 expended by him in recruiting his company.

Your committee hold that he is entitled to pay as captain from August 20, 1861, to February 9, 1863—

One year five months and twenty days, at \$118.50 per month.....	\$2, 093. 50
Less amount received from State of Rhode Island.....	\$1, 200. 00
Of which recruiting expenses were.....	400. 00
	800. 00
Balance due from United States.....	1, 293. 50

Your committee recommend the passage of the bill.



CONFERRING JURISDICTION ON THE COURT OF CLAIMS
IN CERTAIN CLAIMS.

MAY 24, 1898.—Committed to the Committee of the Whole House on the state of the
Union and ordered to be printed.

Mr. MAHON, from the Committee on War Claims, submitted the
following

REPORT.

[To accompany H. R. 10371.]

The Committee on War Claims, to whom was referred the bill (H. R. 10371) conferring on the Court of Claims jurisdiction with respect to certain claims, submit the following report:

The facts out of which this bill for relief arises will be found stated in House Report No. 19, second session Fifty-fifth Congress, a copy of which is hereto appended and made a part of this report.

Your committee recommend that the bill referred to them do pass.

[House Report No. 19, Fifty-fifth Congress, second session.]

The claim was before the committee at the first session of the Fifty-fourth Congress, and was fully investigated and favorably reported.

Your committee adopt the report of this committee made during the first session of the Fifty-fourth Congress (a copy of which is hereto appended and made a part of this report), and recommend the passage of the bill.

House Report No. 42, Fifty-fourth Congress, first session.

Mr. MAHON, from the Committee on War Claims, submitted the following

R E P O R T:

[To accompany H. R. 3210.]

The Committee on War Claims, to whom was referred the bill (H. R. 3210) to provide for the adjudication and payment of damages sustained by citizens of the United States in the border counties of York, Adams, Cumberland, Franklin, Fulton, Bedford, Somerset, and Perry, in State of Pennsylvania, from Union and Confederate troops during the late war of the rebellion, submit the following report:

The following is the history of the claim:

The damages resulted mainly from three hostile expeditions that were made into Pennsylvania during the late civil war. The losses occurred in the counties of Adams, Bedford, Cumberland, Franklin, Fulton, Perry, Somerset, and York, all lying along the southern border of Pennsylvania, excepting Cumberland and Perry, which adjoin Franklin and Adams on the north.

The first expedition was made in 1862 by General Stuart, principally in the two counties of Adams and Franklin. In 1863 occurred the great invasion of Pennsylvania by the army of General Lee, whose operations culminated in his defeat at Gettysburg and retreat across the Potomac. In 1864 occurred the cavalry raids by the army of General Early, who unexpectedly marched down the Shenandoah Valley.

On the 29th of July, 1864, the Confederate brigades of Johnson and McCausland, consisting of from 2,500 to 3,000 men, with six guns, crossed the Potomac and advanced upon Chambersburg, the county seat of Franklin County. The town was invested by the entire command of Johnson and McCausland, and a demand made upon the people for \$100,000 in gold or \$500,000 in Government funds as a ransom, a number of citizens being arrested and held as hostages for its payment. No offer of money was made by the people, and the town was burned by the Confederate forces.

The burning of Chambersburg occurred July 30, 1864, and resulted in a loss which was estimated by commissions appointed by two acts of assembly of Pennsylvania of 1868 and 1871.

The final adjudication, under the provisions of the act of 1871, of the claims for losses sustained in the burning of this town, was \$1,625,435.55. The total amount of the claims, including the losses by reason of the burning of Chambersburg, as they were investigated and finally liquidated under the provisions of the act of 1871, is \$3,450,565.45.

By far the larger portion of the claims presented by the State of Pennsylvania, and which this bill is intended to meet, was the result of

the raids of 1864, upon the sudden advance of General Early northward through the Shenandoah Valley.

The amount of damages inflicted by Stuart's raid in 1862, according to the findings of the commission appointed under the acts of assembly referred to, was \$123,067.60.

The following is a statement of the amount of losses suffered by each county from the several invasions above mentioned:

Adams County	\$485, 900. 71
Stuart's raid	3, 538. 28
	489, 438. 99
Franklin County	\$726, 503. 98
Stuart's raid	119, 529. 32
Burning of Chambersburg	1, 625, 435. 55
	2, 471, 468. 85
Cumberland County	211, 778. 95
Fulton County	6, 808. 03
York County	53, 944. 08
Somerset County	214, 366. 15
Do	120. 00
Perry County	2, 640. 40
	3, 450, 565. 45

All of the above were adjudicated under an act of assembly passed in 1868, and subsequently the same claims were reexamined under the provisions of an act of assembly passed in 1871, somewhat reducing the amount of the findings under the earlier act of 1868.

The legislation of Pennsylvania upon the subject of these claims, the first legislative expression being before the close of the war, had always in view the liability of the General Government. This seems to have been the tenor of the language of the governor in his message in 1864 to the legislature assembled under a special call immediately after the burning of Chambersburg.

There was a repeated assertion on the part of the State of a claim for indemnity or reimbursement to its citizens for the extraordinary losses suffered in these several raids and invasions. The legislature, called in special session immediately after the burning of Chambersburg, made provision to the extent of the comparatively small sum of \$100,000, which was distributed pro rata among the most destitute sufferers from the destruction of Chambersburg. This seems to have been a pure charity.

The next act was that of February 15, 1866 (P. L., 43), appropriating to the citizens of Chambersburg, on account of losses by reason of the burning of their town by Confederate troops, the sum of \$500,000.

In that legislation the court of common pleas of the county in which the capital of the State is located was authorized to appoint three appraisers to make a just and true appraisement of the losses sustained by the people of Chambersburg and vicinity by reason of the burning of the town, and prescribed a method of procedure. The \$500,000 was to be divided pro rata and receipted for by the sufferers whose claims might be allowed, which receipts were to "state the amount paid and authorize the State to receive from the General Government said sums out of any money which may hereafter be appropriated by Congress to compensate them for losses sustained by the war." Thus was early asserted, in this act of 1866, by the reservation alluded to, the right to indemnity, and the payments by the State were made with the understanding expressed in the act that the State was not to be concluded by her action in this legislation, nor to be understood as relinquishing any right to insist upon these claims as against the United States or as assuming them herself.

In 1871 a further act was passed by the legislature of Pennsylvania appropriating \$300,000 to the citizens of Chambersburg and vicinity whose claims for war damages had been adjudicated under the act of February 15, 1866. This was the act of May 27, 1871 (P. L., 223, sec. 67). This amount was appropriated in the shape of loan certificates to be issued to citizens of Chambersburg whose claims had been adjudicated, as already stated, to the amount of \$300,000 pro rata to said claimants, \$18,000 to pay interest on the certificates for the current year, the certificates to be redeemable in five years or sooner, at the option of the State, and upon the issue of said certificates to the claimants, respectively, the State to become the holder of said claims. The governor, by said act, was further authorized to demand the payment of the amounts theretofore paid, and thereby appropriated to said claimants, from the General Government, and to appoint agents for the purpose, etc. It was further provided that out of any moneys appropriated by the United States said certificates of loan shall be first redeemed, and any additional amount repaid to the State on account of advancement of said claims shall be appropriated pro rata by the State treasurer, to the claimants in the border counties for war damages, adjudicated under the several acts of assembly, except those adjudicated under the act of February 15, 1866.

The acts of assembly that were from time to time passed to investigate and perpetuate the evidence of these claims, and providing against fraud or speculation therein, are of a character that must commend themselves to the judgment of fair-minded men.

These claims have been adjusted and readjusted under conditions and methods of procedure which would seem to exclude all possibility of misrepresentation or imposition.

They were adjudicated for all the counties in which losses were incurred by the operations of the war, under the act of April 9, 1868 (P. L., 74), entitled "An act for the relief of the citizens of the counties of Adams, Franklin, Fulton, Bedford, York, Perry, and Cumberland, whose property was destroyed, damaged, or appropriated for the public service and in the common defense in the war to suppress the rebellion," which act provided for the appointment of commissioners to investigate and adjudicate the claims of the citizens of the said counties, and upon their adjudication to report and file the same with the auditor-general, and imposing the duty upon the proper officers of the Commonwealth, to be designated by the governor, to proceed to recover compensation for said losses from the General Government, and, when so collected, the amount recovered to be paid pro rata to the sufferers in accordance with the report of the commissioners thus appointed. Provision was therein made for the ascertainment and appraisement by the commissioners of the losses sustained, and an elaborate mode of procedure and method of verification and proof prescribed.

The matter was again brought before the legislature and the act of May 22, 1871 (P. L., 272), was passed. This was entitled "An act to authorize a liquidation of damages sustained by citizens of Pennsylvania during the late rebellion," and provided that the claims of the citizens of the counties of Adams, Bedford, Cumberland, Franklin, Perry, and York for extraordinary losses sustained during the rebellion, as adjudicated under the prior acts, naming them, be subjected to a careful revision by two commissioners in each of the counties named, to be appointed by the president judges of the courts of common pleas of said several counties. There was this further provision:

And the governor shall appoint competent counsel to represent the Government in the revision of said claims before the several commissioners, and said commissioners

shall reexamine and readjudicate all of said claims and may reject or diminish any now on file as equity may require, but not increase the amount of any excepting the claim of the German Reformed Church (which was one claim which it was provided shall be equitably adjusted); and any claims which may have been assigned or transferred by the original claimant, the assignee or present owner of the same shall be required to make satisfactory proof of the amount actually paid for the claim, and the amount so paid shall be awarded and no more; and if any owner of an assigned claim shall fail to make such proof satisfactorily the claim shall be rejected, and as said commissioners readjudicate said claim they shall indorse their approval thereon for the amount allowed and return the claims to the auditor-general.

This latter officer corresponds to the officer known as the comptroller or comptroller-general in some of the States.

These claims, as finally adjudicated under the last act, are on file in the auditor-general's office, excepting those which have been retained at Washington in order that they might not lose any right to have them allowed under the act of July 4, 1864.

Section 2 of the act provides:

The State shall issue to each claimant or to his, her, or their representative, a certificate or certificates to the amount allowed on each claim, in the following form.

This is the form of the certificate:

This is to certify that ———— has on file in the office of the auditor-general a duly approved and registered claim for the sum of ———— dollars, as adjudicated under the act entitled "An act to authorize the liquidation of damages sustained by citizens of Pennsylvania during the late rebellion," and payable only when said claims shall be paid by the United States Government.

These commissioners have reported and filed their reports and their findings, with proofs, in the auditor-general's office. The certificates have been nearly or quite all delivered to the holders.

Attention is called to the reservation contained in this certificate. These certificates, signed by the governor and State treasurer and countersigned by the auditor-general, are the evidence in the hands of the holders, and contain the implied pledge of the State to secure the payment from the General Government of the claims so ascertained, whereby they may and do invoke the agency of the State to secure the final payment of the claims so ascertained and evidenced.

This last adjudication includes the losses that were sustained by reason of the burning of Chambersburg.

The following section of the act of 1871 sets forth the undertaking of the Commonwealth to secure, so far as it may, the enforcement of what has always been believed to be the obligation of the Federal Government:

SEC. 3. It shall be the duty of the governor of the State to demand the payment of said claims by the General Government, and also the payment of the amount heretofore paid by the State on said claims, and to appoint such agents for the purpose as may be deemed necessary, and any appropriation made by Congress to said claims shall be wholly applied to the certificates authorized by the second section of this act, as Congress may direct, until the same shall be paid in full: *Provided*, That this act shall not be construed to make the State in anywise responsible for or on account of said certificates.

These claims have been solemnly adjudicated, and there has been excluded any possible mistake, imposition, or fraud that might otherwise have been practiced upon either the State or the National Government. They were deliberately and carefully passed upon in an orderly proceeding in which the adverse interest was represented. In a great majority of cases these claims were presented by the claimants themselves without the intervention of counsel. The commissions were composed of men of high character in each of the counties named in the

act, and, as already stated, the public interests were represented in a way that was in all respects analogous to that in which the General Government appears before the Court of Claims. The claims were thoroughly examined, the proofs and findings filed, and the whole is a matter of record in the office of the auditor-general of Pennsylvania. There has been special care exercised in these different proceedings to secure nothing against the General Government but what was justly due.

Shortly after the war of secession broke out, Governor Curtin, under the authority of the State of Pennsylvania, organized this body spoken of as the Pennsylvania Reserves. This was done under an act of assembly entitled "An act to create a loan to provide for arming the State," approved 1861, which provided for the loan of \$3,000,000 "to defray the expenses of organizing, arming, equipping, transferring, and supporting the military forces of this State now or hereafter to be called into the service in aid of the government of this State or of the United States."

It was provided by this act that the commander in chief, who was the governor, in connection with the officers composing the grand staff of the militia, were authorized to organize a military corps, to be called the Reserve Volunteer Corps of the Commonwealth, to be composed of 13 regiments of infantry, 1 regiment of cavalry, and 1 regiment of light artillery; these regiments to be organized, armed, equipped, clothed, disciplined, governed, and officered as similar troops in the service of the United States, and to be enlisted in the service of the State for a period not exceeding three years, or for the war, unless discharged, and were liable to be called into the service of the State at such times as the commander in chief might deem their services necessary for the purpose of suppressing insurrections or to repel invasions, with the further provisions that they were liable to be mustered into the service of the United States, as of course they were upon a requisition by the General Government, whether so expressed in the act or not.

Further provisions were contained in the said act for the establishment of camps of instruction, and for the pay and rations of the said corps under the State authority.

Under that act the Pennsylvania Reserves were organized; they were put into camps of instruction, and they constituted a standing army reasonably sufficient for the defense of the State against such raids and invasions of the enemy as then seemed likely to occur.

These troops, shortly after the disaster at Bull Run, in 1861, were suddenly called into the service of the United States Government, at a critical period, and were, until the close of the war, retained as part of the forces of the National Government operating in the field.

This corps, as provided in the act, was composed of 13 regiments of infantry, 1 regiment of cavalry, and 1 regiment of light artillery. They were fully armed, equipped, and organized, as provided by the act. They were among the best soldiers raised by the State, and, at the time they were suddenly called into the service of the Government, were in a high state of discipline and efficiency. Their splendid history justified the expectations had as to their ability to defend the State against anticipated invasion.

Both in 1862 and 1863, upon the occasions of the invasions that took place in those years, the militia of the State were called out by the governor. They were, of course, practically useless in the face of disciplined and veteran armies, and were inadequate to the protection of the State.

In 1862 the militia were called out because of the fears entertained of an invasion into the State by Lee, which, however, was thwarted by his repulse at Antietam. There were no forces in the State at the time of Stuart's raid, which took place in October, 1862, and the southern counties were entirely at the mercy of Stuart's troops.

There are certain special circumstances connected with the raid of 1864 and the burning of Chambersburg, which was its principal result, which it is proper to state.

On July 21, 1864, Governor Curtin, of Pennsylvania, and Governor Bradford, of Maryland, addressed a joint letter to the President, calling attention to the repeated raids across the Potomac River made by portions of the Confederate army, and proposing to enlist from their respective States a volunteer force sufficient, with the aid of such fortifications as might be speedily constructed, to guard the fords and protect the two States from these raids, and further asked that the recruits so raised be credited on the quotas of said States on the call last made, and that they be armed, equipped, and supplied as other volunteers in the service.

Attention is also called to the precedent in the early part of the war, by which the importance of a special defense was recognized by the Government, and the governor of Maryland authorized to raise three regiments with a view to the protection of that portion of his State. These regiments were subsequently called into the service of the Government, and so stated in the communication. The latter earnestly urged upon the President the importance of acceding to the suggestion made, and stated the purpose to immediately raise the forces required.

This letter was not answered until a day or two after the burning of Chambersburg, and then by a brief refusal to grant the authority asked.

At the time of the raid of McCausland and Johnson there were some 7 regiments in the service of the State of Pennsylvania. These had been raised for border protection. They were sufficient to have coped with the invading force, which consisted of 2,500 to 3,000 men. A diversion having been made toward Washington by a portion of the Confederate troops, these regiments were called for for the protection of the capital. Three days after these troops were called to the Federal capital the town of Chambersburg was destroyed.

It might be mentioned that the region traversed by the invading forces was one of the richest and most inviting portions of the State, and the trend of the valleys leading to the State were such as to afford easy access and open avenues for retreat. The conditions were such as to suggest the likelihood of invasion and the importance of defensive measures.

It was pressed upon the attention of the committee that the State during the war had contributed to the armies of the Union, exclusive of militia and recruits for the Navy, under the several calls made upon her, a total of 362,284 men, being more than one-third of a million.

REASONS WHY THE GOVERNMENT SHOULD PAY THESE CLAIMS.

First. Prior to the adoption of the Constitution there existed thirteen independent sovereign States, of which Pennsylvania was one.

Second. A Federal Government was created under the provisions of the Constitution, having jurisdiction over these States to the extent, and only to the extent, named in the Constitution; but the authority of the States remained; they continued to be independent of the Federal Government in all respects except as to the powers granted to the latter.

Third. One of the objects of the Constitution was to "insure domestic tranquillity."

Fourth. The ratification of the Constitution was required of each State before the State became a part of this Federal Government. This ratification was by the State as an independent government. (See authorities cited in Paschal's *Anno. Const.*, note 243.)

Fifth. The right of a State to have a militia was recognized; but by Article II, section 8, clause 15, power was given to Congress to provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions. And by section 2 of same article the President is made commander in chief of the militia of the several States when called into actual service; but the right is reserved to the States to appoint the officers of and to train the militia, according to the discipline prescribed by Congress.

Sixth. In consideration of the grant by the States to the Federal Government of the powers enumerated in the Constitution, it was stipulated in section 4, Article IV, that "the United States shall protect each of them (the States) against invasion."

Seventh. The guaranty to protect each State against invasion was one of supreme importance to the States, and especially in view of the fact that the State had conceded to this new nation, into which it entered, the power to control its militia in all respects, except the officering and training. And when the Federal Government fails to protect a State against invasion, and by reason thereof injuries have been sustained, a very different question is presented from such as we have above mentioned, to wit, in claims made by private citizens for injuries by the Federal forces in actual conflict, or injuries inflicted by the enemy on such individual citizens.

The present claim now under consideration is presented by the State of Pennsylvania, one of the States that entered into and became a part of this new nation and party to this covenant for protection against invasion upon the terms already mentioned. It is, therefore, a claim that does not, as we submit, fall within the rule so often quoted.

Eighth. The constitution does not provide what shall follow as the result of a failure to "protect against invasion," and now, as we think, for the first time Congress is brought to the consideration of that question.

The obligation existed to protect, and there must be, in the highest political sense, if not in a sense justiciable in the court, a consequent and resulting liability, or obligation, upon failure to so protect. Whatever is necessary or proper to compensate for that failure is the discharge of an obligation, and not the dispensation of a bounty.

Each State before the Constitution had the power to create and control its own army for the defense of its territory, its property, its citizens, and their property; but this military power was surrendered to the Federal Government upon the guaranty of the latter that it would do what might have been done by the State but for the entering into this new relation; and it would, therefore, seem to conclusively follow that if there was loss of property by reason of failure to keep this guaranty compensation should be made for that loss.

The next question is, Was there an "invasion" in the sense of the Constitution?

This is answered by the Supreme Court of the United States in the case of *Pacific Railroad v. The United States* (120 U. S. R., 227), in these words:

It has been held by this court in repeated instances that, though the late war was not between independent nations, yet, as it was between the people of different

sections of the country, and the insurgents were so thoroughly organized and formidable as to necessitate their recognition as belligerents, the usual incidents of a war between independent nations ensued. The rules of war as recognized by the public law of civilized nations became applicable to the contending forces. Their adoption was seen in the exchange of prisoners, the release of officers on parole, the recognition of flags of truce, and other arrangements designed to mitigate the rigors of warfare. The inhabitants of the Confederate States on the one hand, and of the States which adhered to the Union on the other, became enemies and subject to be treated as such, without regard to their individual opinions or dispositions, while during its continuance commercial intercourse between them was forbidden, contracts between them were suspended, and the courts of each were closed to the citizens of the other. (*Brown v. Hiatts*, 15 Wall., 177, 184.)

In the light of this it can not be doubted that the entering upon the soil of the State of Pennsylvania by the Confederate forces for hostile purposes was an "invasion" against which the United States had guaranteed that State protection.

The duties to keep this guaranty and to make compensation for failure is emphasized by the facts of this case already recited, and of which the following is a brief summary:

The State of Pennsylvania responded to every call of the Government for the common defense. Her quota of troops was never unfilled. There was no duty she did not perform in common with her sister nonseceding States for the maintenance of the authority of the Federal Government. But she was situated on the border, and in addition to responding as above stated, and notwithstanding that she had the right to expect that the Government would prevent the enemy from entering upon her territory, she organized in addition militia of her own to repel any attempted invasion. She took every precaution against such a calamity. These forces were organized, drilled, armed, and equipped at the expense of the State, and stationed to protect against the very invasion and injuries for which she now presents this claim.

But there was imminent danger to the entire country of incalculably greater loss. The capital of the nation was threatened. Its vast property interests at the seat of Government, its Treasury, its archives, its very existence as a Government—all were in the greatest peril, and in this crisis, under the Constitution, the President called this force, organized to protect the State, to the higher duty of protecting the nation. The call was responded to by the withdrawal of said reserved militia raised by the State, and that withdrawal left the State defenseless and this injury followed.

It is impossible to make a stronger case than this for asking compensation under this guaranteed protection.

If this does not make a case, then this guaranty might better have never been written. It is only a delusion and a snare if no obligation follows a failure, because no one can read the Articles of Confederation and the history of the times without being impressed that this Constitution whereby the control of the militia was surrendered, and the power to protect against invasion yielded to the Federal Government, never would have been agreed to if it had been supposed that the guaranty to protect imposed no obligation.

Your committee recommend the passage of the bill with the following amendments:

On page 6, section 10, lines 1 and 2, strike out "or the tribe of Indians."

On page 4, at the end of section 5, add the following: "But the provisions of this bill shall not apply to any claim which was not duly presented under the above-mentioned acts."

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LIGHT-HOUSE, ETC., POLLOCK RIP SHOALS, MASSACHUSETTS.

MAY 24, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany S. 626.]

The Committee on Interstate and Foreign Commerce, having considered the bill (S. 626) for the establishment of a light-house and fog signal at a point north of the bell buoy near the broken part of Pollock Rip Shoals, at the northeastern entrance of Nantucket Shoals, Massachusetts, and that the sum of \$80,000, or so much thereof as may be necessary, be appropriated therefor, out of any money in the Treasury not otherwise appropriated, respectfully report the same to the House with the recommendation that it pass.

The Light-House Board regards the station provided for in the bill as of the first importance of the fixed aids to navigation in the Second light-house district, and one of the most important in the entire Light-House Establishment in relation to the interests of commerce.

The work was estimated for in the letter of the Secretary of the Treasury submitting the estimate of appropriations required for the service of the fiscal year ending June 30, 1899, with the following explanatory note which tersely summarizes the reasons demanding the passage of the bill, viz:

The number of vessels using this channel, and the value of the commerce through it, are not exceeded in any other locality on the coast of the United States. The need of additional aid to vessels arises from the dangerous shoals, swift tidal currents, and prevalence of fogs.

And the specification of the disasters to commerce and the great need of the light-house and fog signal are fully presented in the report of the Senate Committee on Commerce upon the bill (Senate Report No. 406).

○

LIGHT AND FOG-SIGNAL STATION, MAUMEE BAY, OHIO.

MAY 24, 1898.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, submitted the following

REPORT.

[To accompany H. R. 8725.]

The Committee on Interstate and Foreign Commerce, having duly considered the bill (H. R. 8725) to establish a light and fog-signal station at the outer or lake terminus of what is known as the Straight Channel, in the Maumee Bay, near Toledo, Ohio, at a cost not to exceed \$75,000, respectfully report the same to the House with a recommendation that it pass, and append as part of this report a letter from the Secretary of the Treasury recommending such action.

Access to Toledo Harbor is now afforded to deep-draft lake vessels through the Straight Channel, which has been dredged and improved by the Government at great expense. A permanent light and fog-signal station is now urgently required to mark the outer edge of this channel. The lake commerce of Toledo is large and increasing.

The foregoing paragraph contains the reasons assigned for submitting the estimate of appropriation to Congress by the Secretary of the Treasury, and the work is regarded by the Light-House Board as being the most important of the fixed aids to navigation recommended for construction in the Tenth light-house district.

TREASURY DEPARTMENT,
Washington, D. C., March 7, 1898.

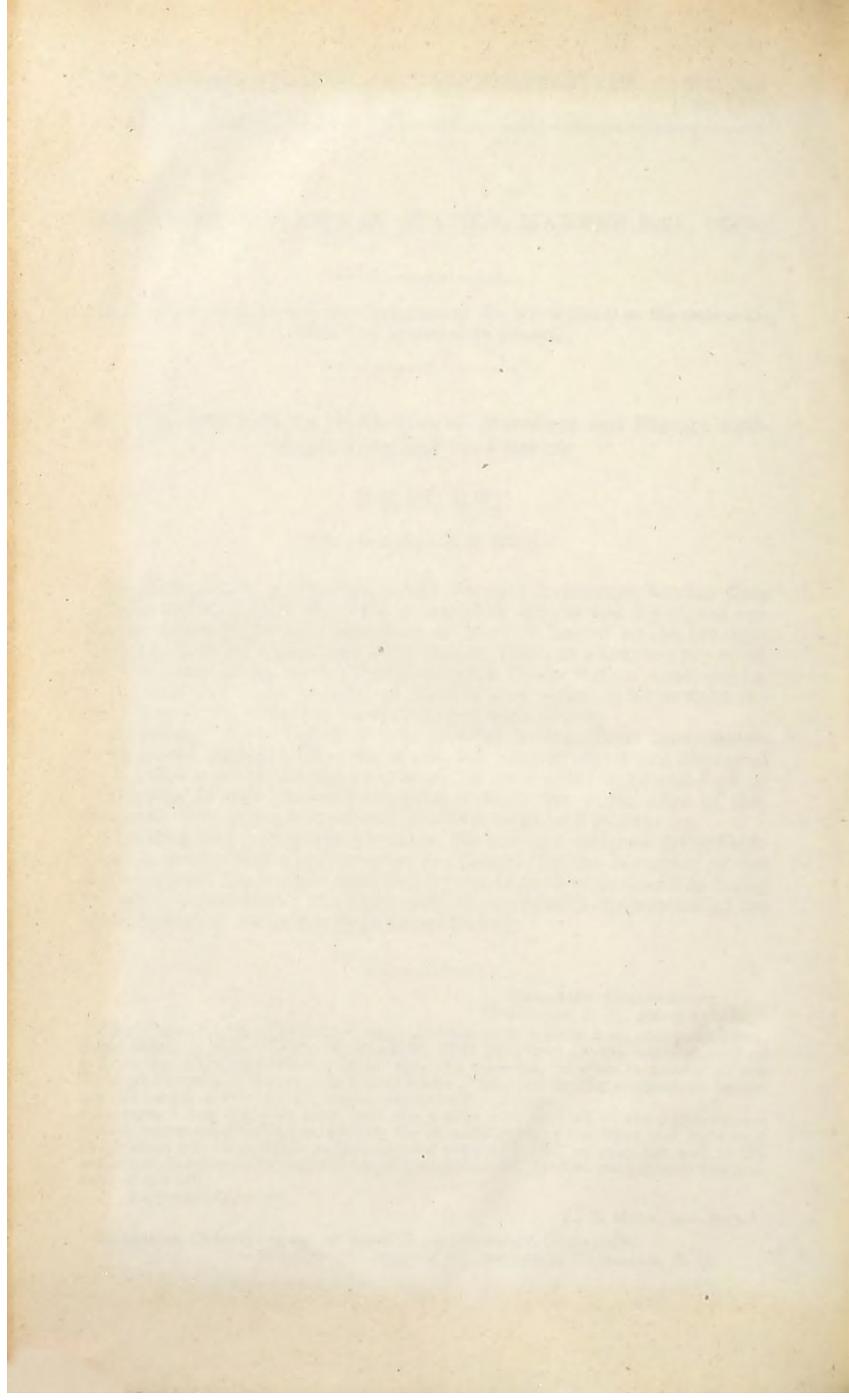
SIR: I have the honor to acknowledge the receipt of a letter from your committee, dated March 1, 1898, inclosing H. R. bill No. 8725, providing for the establishment of a light and fog signal station at or near the terminus of what is known as the Straight Channel, in Maumee Bay, near Toledo, Ohio, and asking suggestions touching the merits of the bill and the propriety of its passage.

In reply I beg leave to state that the matter was referred to the Light-House Board, which reports that an item for the establishment of the light and fog signal in question was recommended in its annual report for 1897, on page 149, and in the estimates recently submitted to Congress, and that it therefore recommends the passage of the bill.

Respectfully, yours,

L. J. GAGE, *Secretary.*

CHAIRMAN COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
House of Representatives, Washington, D. C.





House documents

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